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The Week.

THE last day of the Senate's extra session were not particularly creditable either to the Senate as a body, or to Messrs. Nye, Sprague, and Abbott individually. Mr. Nye made a speech of the well-known variety that he cultivates. Mr. Sprague made another preposterous exhibition of himself, and gave some of his correspondents the pleasure of seeing themselves embalmed in the amber of the *Globe*, for he has printed all their letters to him. Mr. Abbott (of North Carolina)—who might do well by taking a leaf out of the book of his clever and more silent colleague, Mr. Pool—made a display of what used to be called "plantation manners," and threatened to seek a "personal difficulty," as it used to be called, with Mr. Sprague. It is said that the latter gentleman weighs only five-eighths as much as Mr. Abbott; but, for all that, is reported as "walking the avenue" in perfect fearlessness. Still, you never can tell. Mr. Abbott, on his part, is not known as a fire-eater; but we believe he was seen in the avenue too. On the whole, it would be as sad to see Mr. Sprague kill Mr. Abbott as to see Mr. Abbott kill Mr. Sprague. Thursday was partly occupied, too, with eulogies on General Burnside, who was not permitted to remain long under the aspersions of Mr. Sprague. Senator Brownlow told the latter gentleman that there were babies enough in East Tennessee called after the General to drive out of the State any orator who should attack his good name. General Burnside is, we believe, a man that everybody likes who ever knew him, except Mr. Sprague and the late Count Gurowski, and there was a natural desire on the part of his friends to say good words of him; but it is to be doubted if he cares anything for what such an enemy can say. At the close of the evening session the Senate adjourned *sine die*, having acted on all its treaties, but not on all the nominations sent in to it. Mr. Sanford does not go to Spain, nor Mr. Jones to Belgium, nor General Sickles anywhere, as yet, though his "services" during the campaign were not small, as probably he is—all things considered—as effective a platform speaker as there is in the country. Mr. Pile also is defeated, and cannot go to Brazil unless the President disregard the senators' wish, which is very unlikely, although he is to be the Government from now till winter. We may modify a statement of ours, made last week, and say that only one editor at all influential got anything like a first-class position; it was Mr. Rublee, of Wisconsin, a man

of more than ordinary character and cultivation, who is likely to do us credit in Switzerland.

The practice of senators soliciting appointments to office got a long discussion in the Senate on yesterday week. It is a practice which has always prevailed to a greater or less extent from the early days of the Government till now, but was never before an evil of such magnitude. It is probable that for the forty-five or forty-six thousand offices which constitute "patronage" there have been not less than four hundred thousand or half a million applicants, and inasmuch as many thousands of these have paid their personal attentions to "our representatives," the Senate is in no very good humor. Mr. Fessenden and Mr. Trumbull were most affected by the consideration that under the present system the members of the two Houses are made mere office-bringers, and that the senators are often guilty of pretending to deliberate on appointments that they have in fact eagerly pleaded for. Mr. Cameron was no little displeased with the fact that his advice has not been often enough asked for by President Grant. Mr. Abbott took a truly office-brokering view; he thought that a mistake is made in not apportioning the offices among the States in accordance with the population. Mr. Carpenter wanted the departments instructed to send in the names of all the Government employés, together with the facts in regard to their appointments. This Mr. Carpenter wanted because he is of opinion that a great reduction could be and should be made in the present clerical force in Washington. It will be seen, however, that it would incidentally give exact information as to what States and what senators have had most luck of late, and a balance could be intelligently struck. The Senate did not vote on the resolution, however, but went into executive session. We do not observe that anybody had anything to say in favor of the Civil Service reform which alone can be of the least possible use in our present deplorable circumstances. The respectable press is giving Mr. Jencks more support now than at any previous time; but a good part of the press is controlled by editors who are themselves "inside politics" to the extent of being able to put their own hands and those of their friends into the public treasury, and it must be by pressure from the people that Congressmen are to be drawn into this reform, it is a thing to be regretted that all the editors are not sounder on this main question which is also *the* main question.

The Sprague affair, after "convulsing" the State of Rhode Island, and filling all its newspapers, has at last dwindled down into the dimensions of a small and ridiculous quarrel between Mr. Sprague and Mr. Abbott of North Carolina, a foeman worthy of his steel. Abbott thought Sprague had likened him to "a puppy," and filled Washington with rumors of impending bloodshed; but on becoming sufficiently calm to write to Sprague to know whether he had really likened him to a puppy or not, he found to his great surprise that Sprague had not meant him at all. The parties are now friends, and what is still more gratifying is, that Abbott wishes the unhandsome language used by him with regard to Sprague to be "considered unsaid." We hope now the people of Rhode Island, the house of Brown, Ives & Co., and the Rhode Island newspapers will be able once more to turn their thoughts to their regular business.

Mr. Ashley has written a defence of himself to the *New York Times*, in which he says that "whatever interpretation, from the 'corruption' stand-point, may be put on his letters to Mr. Case, he has always felt confident that the correspondence, read in the light of the testimony of the only parties fully cognizant of all the facts, would acquit him of

any intentional wrong." In support of this theory, he mentions that "he has been four times unanimously re-nominated by the Republican party of the Tenth District," and that "a direct issue was made unsuccessfully against him on these letters at the election of 1862," and that they were used against him to some extent in 1864, but not at all in 1866 and 1868. We shall only say on this point that it is curious that a man of Mr. Ashley's age and experience should mention a caucus nomination in reply to a charge of corruption. We should like to know what offence against morality would damage a man in the eyes of an average nominating convention. The Congressional committee appointed to enquire into the case found that "no condition precedent was demanded from F. M. Case for his appointment as Surveyor General, or for the appointment of any of his subordinates, the evidence conclusively showing no illegal or corrupt acts on the part of the said Ashley with regard to said appointments."

It may serve to give our readers an idea of what Mr. Ashley's ideas of political morality are, and those of an average Congressional committee, to explain that the Case correspondence reveals the fact that Mr. Ashley got the appointment of Surveyor-Generalship of Colorado Territory for F. M. Case in 1861, and when working for it wrote to Case telling him that if he got it he would like his (Ashley's) brother to be Case's chief clerk—"salary \$2,500"—and that "it was the best office in the gift of the President," one in which the Surveyor could make from \$50,000 to \$100,000 in four years, and "that if Case got it, he (Ashley) wanted to unite with him as full partner in land speculations and town sites," and "that he was working hard and earnestly for him;" that he "had promised Mr. Case to get help" in securing the appointment, and that "he wanted to have an interest with him, if he got the place, in the city and town speculation;" that "the Pacific Railroad would go through this Territory, and that it would be a fortune to both of them, if they got the place." Furthermore, in inviting Case to write a letter, to be shown, about the appointments, he asked for his views, on "a separate piece of paper," as to "the proposition for the city and town lots speculations." Then, says the legislator,

"I will probably be chairman of the Committee on Territories if we can carry out the programme to elect Grow speaker, and your brother, Charley Case, of Indiana, clerk, and then I will know all the proposed expenditures in the Territories, and post you in advance. Write one letter for me, and the other to show. Damn your business in the Williams County Court. Write and telegraph."

The two gentlemen actually did afterwards sign articles of copartnership, under which F. M. Case agreed to give Mr. Ashley a half of all lands he might purchase in Colorado, Mr. Ashley paying half whatever money they might cost. The verdict of the Congressional Committee on this strange affair, as well as the recommendation, signed by 150 members of Congress, of Mr. Ashley for the governorship of Montana, and the failure of the Senate to reject him with this correspondence before it, only show how deep the poison has sunk, and what hard work the country has before it in attempting to bring about any reform.

The eight-hour law, as regards the Government navy-yards, has again been brought up for exposition at the hands of Attorney-General Hoar, he holding with his predecessor that no matter what length of time men work in the Government employ, the pay must be, under the law, regulated by the rate paid by private establishments of a similar character in the neighborhood; so that if a man only works for eight hours, he ought only be paid for eight hours, and Secretary Borie has ruled accordingly. Hereupon, however, Senator Wilson intervenes, and says this cannot be the true interpretation of the law, inasmuch as it was passed in compliance with the petitions of divers workmen, who meant that they should get ten hours' pay for eight hours' work; that this is what Congress meant in passing it, and that this is plainly what the law does mean. In reply to this, all that need be said is, that to allow a law to be interpreted by everybody who took part in making it, by the aid of his remembrance of what passed in debate, would be productive of great inconvenience. As we had occasion to remark with regard to the reconstruction acts in the Georgia case, the

meaning of laws is to be extracted from the language in which they appear on the statute-book by authorized official interpreters; it would be a very remarkable case of ambiguity or obscurity which would warrant the consultation of the members of the legislature passing it. We say this without disputing the correctness of Mr. Wilson's assertions as to what Congress intended to enact.

The free-traders have begun to be very active, and are holding meetings in various parts of the country, and are apparently drawing some of the veterans of the anti-slavery struggle into the agitation. Henry Ward Beecher has presided at a meeting in Brooklyn, and William Lloyd Garrison has spoken at one in Boston; upon which the *Tribune* suggests that the old abolitionists, having been in favor of "abolishing everything from Christianity down," cannot be expected to have any respect for the tariff—an argument on the "religion" and logic of which it is hardly necessary to dwell. A call for a counter demonstration of protectionists in Philadelphia mentions, in illustration of the atrocity of the course pursued by the free-traders, that they "openly" avow their intention of throwing open American markets to foreign producers, the signers evidently feeling that a man who cherished such an intention would, unless unusually hardened and unprincipled, keep it secret; thus furnishing another illustration of the kind of religious veneration the protectionists have for their theory and reminding one forcibly of the missionary views which actuated the earliest slave-traders. There is, however, a good deal of dexterity shown in this mode of treating the subject, because if you can once make a question sacred, and set down anybody who even touches it as a bad man, you have covered it with a very formidable outwork. We have spoken elsewhere of a similar line of argument adopted by the *Examiner and Chronicle* in defence of the baptism of adults through holes in the ice in winter, our contemporary insinuating that anybody who took exception to the practice of the rite under such circumstances was probably himself dirty in his habits, and disliked the application of cold water to the skin under any circumstances.

The free-trade meeting in Boston was in reality a meeting for the foundation of a Reform League, of which the diffusion of free-trade views is only one of the objects, the reform of the Civil Service and an early return to specie payments forming the others. The meeting was addressed by other desperate characters besides Mr. Garrison, Mr. Edward Atkinson and Mr. William Endicott, jr., being amongst the worst and most notorious. They filled Chickering's Hall with their blasphemies for several hours. Amongst the indecencies and absurdities in which they indulged were audacious expressions of faith in the intelligence of the individual man, doubts about the purity and unselfishness of manufacturers of pig-iron, besides some unsettling doctrines as to the depressed condition of the wool trade under a tariff ranging from 50 to 130 per cent. There was no interference on the part of the police, and some of the most respectable newspapers have reported their proceedings in full—giving one a saddening glimpse of the moral condition of Boston.

The *New York Times*, in criticising Grant's diplomatic appointments, says, "there has been a pretty clean sweep of the ministers, secretaries, and consuls appointed by Mr. Lincoln, and mainly kept in office by Mr. Johnson, and as a whole the change has not been an improvement." This, we think, is quite true. But, given the necessity of a "clean sweep" every time a new administration comes in, not only is an improvement not to be looked for by the change, but we may be thankful if there is no deterioration. Other things being equal, a new consul or ambassador is pretty sure to be a worse one, because a less experienced one, than the old one. If he is as good as the old one, it shows that he was a better man to begin with. Mr. Washburne is, and undoubtedly always will be, a worse minister than any of his predecessors since 1860; indeed, in some respects he is quite incompetent. Mr. Motley is, as the *Times* says, in some ways inferior to Mr. Adams; but Mr. Adams refused to stay in London, and had exhausted the legal discussion. What seems to be wanted now in Lon-

don is somebody to let the English public know what the American public feels, and this Mr. Motley undoubtedly will do. The idea that he or any other man will get the British Government to apologize for issuing the proclamation of neutrality, we look on as a great mistake by whomsoever entertained. Whoever devised that mode of "settling" the difficulty has certainly succeeded in "settling" it for some time to come. As to Mr. Adams's absence from the State Department, which the *Times* deplores, as do we, we do not see that anybody is to be blamed for it, or that it indicates any serious defect either in the temper of the Republican party. Members of the cabinet, in all constitutional countries, are expected to sympathize with the principles and policy of the party in power; if Mr. Adams does not do this it is doubtless a misfortune, but one of the misfortunes to which all human affairs are exposed.

The Springfield *Republican* is apparently under the impression that in reviewing the honorable and sensible course of the American people on the various great foreign questions of the last eighty years, it is defending somebody or something against the attacks of the *Nation*. But this is a mistake. The "American view" of foreign affairs at which we recently "sneered" was, as we pointed out at the time, the view of the leading American blatherskites. Had it been the real American view, not only would there be no honorable American diplomacy for the Springfield *Republican* to review, but there would be very little of the United States left. The remains of the Republic would by this time consist principally of bags of reports and resolutions of the House Committee on Foreign Affairs. There is no "view" in the world, let us assure the *Republican*, either on home or foreign affairs, like the view of honest men who know what they are talking about; neither the "American view" nor the "British view" nor the "French view" can for one moment compare to it; and it is the predominance of this view, on the whole, in the regulation of human affairs which makes the world worth living in and has made the United States a great nation. The mysterious prayer with which the *Republican* concludes its article—that something unpleasant may happen to it if it does not stand by the enslaved of all modern countries we have read, "frigid" though we be, with proper emotion. The *Republican*, however, does better things for the oppressed foreigners than invoke conditional curses on its own head, by working in the cause of good government and good sense at home; and for this reason the judicious "middle view" of the various political convulsions of the globe which it professes to take ought to be treated with respect.

In England the Irish Church Bill is under debate in the Committee of the Whole, and seems to undergo no diminution of favor with the House. Instead of having all the virtue extracted from it by Conservative amendments, as was feared by many, it has thus far rather gained in Radicalism, Mr. Gladstone's provision making the three cathedrals "national monuments" to be maintained at the public expense, having been struck out on the motion of Mr. Jonathan Pim, one of the members for Dublin. The most remarkable political incident, however, has been the removal of the vice-consul at Formosa, who, when a mission-house was destroyed by the Chinese villagers, called up a gunboat, had the village smartly bombarded, the Chinese forts stormed, a reasonable number of Chinamen killed, and the Chinese officials compelled to pay both for the property damaged and for the expense of castigating them. Not only has the vice-consul been removed, but the naval officer who did his bidding has been censured, and the money extracted from the local authorities returned. This is the first-fruits, we presume we may say, of the Burlingame mission. The English consuls and naval officers in China have also received stringent orders not to take the law into their own hands, but when they have cause of complaint against local authorities to refer them, as they would in Europe, for settlement to the capital. Some of the English papers take a gloomy view of the future under this regulation, arguing that the Chinese will inevitably construe it as a sign of fear on the part of the barbarians and govern themselves accordingly; but why not try it? If the Government at Pekin shows

long-continued and obstinate disrespect for international law and for its own engagements, the gunboats can still be resorted to; if it does its duty and punishes outrages on foreigners, its subjects are far more likely to be made by it tender of foreigners' rights than by the fire of a foreign fleet. At all events the regular civilized plan is worth a trial, which it never yet has had. Sir Rutherford Alcock, the British minister, is reported by telegraph to have written home that the Chinese "do not desire progress," whatever that may mean.

The new Spanish constitution is, in most respects, a remarkable document. It embodies nearly all the leading constitutional principles in use in Anglo-Saxon communities—freedom of speech, freedom from arbitrary arrest, freedom of education, and of worship, and of emigration, and the responsibility of public functionaries before the courts for their acts, whether official or non-official. This last rule is one which, if we are not mistaken, no other community of the "Latin race" has yet ventured to adopt, though it lies at the very base of constitutional liberty. The Spaniard's house is hereafter to be his castle, and letters and telegrams even—the Butlerites, we hope, will be ashamed to hear—are declared inviolable. The Catholic Church is to continue the state church, but the exercise of all other forms of faith, both by Spaniards and resident foreigners, is permitted. Even this is an immense stride for Spain, and is a far safer measure than complete separation between church and state. The suffrage is to be universal; the ministers responsible to the Cortes; the Cortes to be composed of a Senate and Congress. The former to be one-fourth renewed every three years, the latter to be totally renewed every three years. The provisions relating to the election of the Cortes, its relations to the king—for the government is to be a monarchy—its working, procedure, and dissolution, its powers and duties and privileges, closely resemble those of the English parliament. The powers and duties of the king are the ordinary ones of a limited monarch; the crown is to be hereditary under the law of primogeniture, but without exclusion of the female line. Armies are maintainable only by annual enactment. Altogether the instrument may be considered a remarkable display of good sense and political ability, and is at the same time a great triumph for liberal ideas. The draft of the constitution only reached us by the last mail, and what we know of the subsequent debates on it in the Cortes we get simply by telegraph. Thus far, the provisions relating to universal suffrage, the freedom of the press, and the freedom of worship have been adopted by a large majority. The republicans have made a stand against the monarchy, but apparently in vain, but all efforts to concentrate a respectable number of votes on a candidate for the crown have thus far failed. The discussion of the various articles of the constitution still continues at the present writing. The conscription has been carried out without much difficulty. The strongest arguments against the republicans are, perhaps, their own impatience and readiness to resort to armed resistance. Patience and faith in talk are of the essence of republicanism.

The news from Cuba during the week has not materially changed in character. The principal hope of the insurgents when we last wrote was undoubtedly that trouble with the United States would grow out of the seizure of the *Mary Powell*, or out of something; but this is gradually fading out. There have been no reports of engagements on the island during the week, while the Spanish troops are receiving continual reinforcements. One of the stories received by Cable from the other side of the Ocean is that England is going to recognize the belligerency of the Cuban revolutionists by way of being consistent; the person who invented the story evidently having a vague notion that there is some resemblance between the Cuban case and the Confederate case. Another story is, and this we believe a true one, that the Mexican Congress has authorized President Juarez to recognize Cuban belligerency as soon as he pleases,—we suppose by way of welcoming Cuba into the happy condition in which Mexico now finds herself. The brutality and ferocity of the Spanish volunteers seem to be something extraordinary, and their discipline evidently amounts to nothing. If there were any real warfare going on in the island the hostilities would doubtless be marked by frightful atrocities.

THE PRESIDENT'S WOULD-BE "ADVISERS."

THERE has been a good deal of fault found with Grant for not having taken "advice" more frequently, before making his appointments, if not from politicians properly so-called, at least from prominent Republican Senators or Representatives; but the extent to which this would have helped him may be inferred from the debate in the Senate, last week, on the relations between the senators and the office-seekers. It appears that nobody whatever, of the class to whom the President would naturally resort for advice in such cases, is to be depended on; office-seekers naturally do not go to obscure men or men unknown in politics to get them to sign their recommendations or lobby for them. They go to editors, members of Congress, and old political managers, orators, and wire-pullers; and amongst the persons whose signatures are or are supposed to be of any value, all conscience and all sense of responsibility with regard to these recommendations seem to have died out. In the first place, the great mass of them have not the courage to say no to anybody, so thoroughly has good-nature got the better in their minds of the sense of justice and the sense of truth. By refusing to sign recommendations for persons whom they did not know or did not approve of they would help to give a large and shiftless class a lesson in the real nature of the public service, and of the responsibilities attaching to it, and thus do something towards reforming it; but we believe that, nowadays, the refusal of a signature is a thing unheard of. In one case that has come to our knowledge, a gentleman, whose endorsement was supposed to be of much value, has given it indiscriminately to everybody who applied to him, and then eased his conscience by going to the official whom it was intended to influence, and requesting him to pay no attention to it. That is, sooner than in a frank and manly way refuse what he well knew he ought not to give, he deliberately lied to every office-seeking adventurer who came his way, and then atoned for it by sensibly confessing his lies to the man whom the adventurer asked his assistance in deceiving. Upon members of Congress, on whom the President and the departments have to depend in the main for any knowledge whatever of the hundred thousand applicants for places, the pressure has, of course, been far greater than on private individuals. And it appears they have very generally resorted to the same device for getting rid of bores. It is doubtful whether any Republican representative has refused to sign any recommendation presented to him within the last half year, and in addition to this they have all had to dance attendance in person at the White House and the departments, pushing the claims of their more important friends.

The lot of the Senate, though the Senate constitutes a part of the appointing power, has been just as hard. Every Republican Senator has had to sign right and left, and lobby at the departments besides. It seems from the debate last week that they feel the shame and scandal of being turned into touters, to help the most worthless portion of the American population to live on the American taxpayers, but there is no help for them. If they refuse, they offend the most active and unscrupulous of the local politicians, who would go home forthwith, to denounce them as ill-natured, aristocratic, out of sympathy with the people, and intrigue to prevent their re-election. Considering what happened at the impeachment trial, too, it is no wonder they should do so. On that occasion a great many people who have little in common with the common herd of office-seekers—maintained with great heat not only that a senator owed his vote to his constituents, but his moral judgment—that he should sacrifice his very conscience to their will. If this be sound doctrine, it is not very remarkable that party politicians who want offices should insist on the use of their miserable bodies to push their claims with the President and heads of departments. Mr. Trumbull, and men of that stamp, writhe under the present state of things. He threatens to bring in a bill making it a penal offence for senators to go office seeking in the departments. But he may spare himself the trouble. No law can put an end to the practice which does not drive away the office seekers. The root of the evil is not in the senators, but in the system which allows a worthless vagabond who has failed in all honest callings, the chance of pro-

tecting himself against wholesome and well-merited privation by getting into the national service.

If we have 45,000 officers, and party custom insists on their being changed every time there is a change of administration, and forbids the exaction of any intellectual or moral qualification—there will naturally be about 200,000 candidates for the various places. These have to be sifted by some process or other. The established theory as to what constitutes a "claim to office" requires a sifting process just as much as does Mr. Jenckes's Civil Service Bill. Each has to prove his "claims" by calling witnesses, and the business of the executive is to weigh the testimony of these witnesses; and the present system of indiscriminate signing of papers, of course, makes it almost impossible to weigh their testimony with any approach to accuracy. Drunkards, kleptomaniacs, and jeremy-diddlers are at present able to make their appearance at the White House with almost exactly the same kind and amount of support as the wise and good, and it comes from the very men to whom those who are abusing Grant for not "taking advice" would have him apply for assistance in choosing. What makes this abuse all the more absurd is that those administrations which have taken their advice have made the worst appointments, and that his will compare very favorably with those of the very best counselled of his predecessors. We believe it would be found on examination that the really bad appointments made by Grant are those which have been made under pressure from members of Congress. The Ashley nomination, for instance, was the result of "advice" from 150 Congressmen; while the appointment of the New Indian Commission—the best thing, perhaps, Grant has done—is not a thing which any regular politician would have suggested or approved of. That he should have occasionally blundered in trying to do without advice, is the inevitable result of the system which has converted the men of whom the President ought at such a crisis to seek counsel, into unblushing and unscrupulous promoters of the private ends of party hacks. But in order to get rid of the system, somebody must attempt to break loose from it, and in breaking loose from it must expect to commit errors; and instead of railing at Grant for his errors, we ought to thank him for his courage in risking the commission of them.

It ought to be borne in mind, too, in judging him, that he is the first president who has really had to breast the monstrous tide of corruption which flows from the present system of appointment to office. Before the war the number of offices was so small that the abuses connected with the distribution of them, gross as they were, made but little impression on the public mind, and interfered but little, comparatively, with the proper transaction of the public business. After the war broke out, the number of them steadily increased; but it increased gradually, and no great batch of appointments had to be made at once. The appointments, too, which were made by Mr. Lincoln from time to time lasted, with few exceptions, until the accession of Grant, so that it is now for the first time that we witness the full effect of the "rotation" and "spoils" system—that is, the sudden dismissal of every official charged with the administration of the Government, and the substitution of a great multitude of utterly unknown and inexperienced persons. No such political phenomenon has ever been witnessed in any other country. Even the armed revolutions of other civilized nations leave the lower offices at least in trained hands; and that our Government should stand the shock so well is perhaps the most striking proof ever given of the self-reliance of the people and the strength of the principles on which the Government is based. This is, of course, another way of saying that Grant has had to encounter an ordeal such as no ruler has ever had to undergo without being armed with something like dictatorial power. We pass over without notice the assumption on which a good deal of the abuse of him is based, that the common run of politicians proper have something to tell about the work of government which it will repay a president to listen to and ask for; the fact being that a class more utterly unfitted to advise a ruler on any question of organization, administration, economy, or jurisprudence, probably does not exist. The only bits of wisdom they have to communicate can be had in any bar-room in the country any Saturday night.

OBJECTIONS TO THE CIVIL SERVICE REFORM.

THE scheme proposed by Mr. Jenckes to meet the difficulties which at present beset the proper working of the administrative machinery of our Government is now generally admitted by candid persons of all parties to be likely to yield a fair measure of reform. Almost all the prominent journals of the country have declared themselves in its favor. Nevertheless, there are those, as might have been anticipated, who find ground for serious quarrel with Mr. Jenckes's bill; who assert, either that the competitive system, once introduced, would prove fraught with consequences of which its friends do not now dream, of a character likely to prove pernicious to republican government; or else that the remedy proposed does not touch the root of the disease, and that Government will be as badly infested with wire-pullers, log-rollers, managers, manipulators, intriguers, and "statesmen" after the passage of the bill as it is now.

Those who belong to the first class are such as think that the establishment of a regular force of officials, holding their places for an indefinite time, would, after a little, lead to that curse of free institutions, bureaucracy. We have heard this objection urged by thoughtful men, and although it has not yet been made in Congress or on the stump, it probably will be before long. Indeed, the outburst of patriotic fervor on the part of General Logan last winter, in which he declaimed against Jenckes's bill on the ground that it would lead to an aristocracy, may, perhaps, be considered as the first infantile attempt of the opponents of all reform to reach some point on which they might hang a real argument of the kind we are now considering. What they ought to have talked about was the danger of a bureaucracy, but being in want of a good sensational word, and knowing from long experience the virtues of the epithet "aristocratic," they applied it. The notion, however, of a *caste* of Post-office and Treasury clerks is so absurd that they are likely to change their ground, and next winter we shall find General Logan and General Butler, unless we are greatly mistaken, declaiming against a bureaucracy. Let us anticipate their reasoning; this is what they will say:

"In the degraded countries of Europe, Mr. Speaker, those countries whose history has been one long succession of murder, rapine, and oppression: where the necks of the people are still bowed beneath the heel of the tyrant; where feudalism still stalks rampant over the fair face of nature; where the throne of royalty is still erected amid the groans of the whole laboring population; where freedom is unknown; where the starry flag of liberty is never unfurled; where the glorious aspirations of man are, in the words of the poet, positively sneered at with all the 'insolence of office'; in those unhappy regions, Mr. Speaker, we are told a perfect civil-service system exists. It is, indeed, perfect; perfect in its organization, perfect in its irresponsibility, perfect in its despotism. It has received a name of its own; it is called a bureaucracy. There have been aristocracies in the world, and there have been plutocracies in the world; but more perilous than either for the liberties of a people is a bureaucracy—a poison which eats into the very heart of freedom; her vigilance is of no avail; she is doomed when that juggernaut of feudalism is brought upon the stage. Farewell to thee, bright spirit! Farewell! Time was when equal rights and happiness were the watchword of a united people, stretching from the wild billows of the Atlantic to the peaceful waters of the West. Alas! that day is no more. The fatal pall of bureaucratic institutions is being spread over thy fair form. Thy doom has been spoken; murderous hands make thy grave ready. Farewell!"

We are ready to make an even wager that some time next winter, when the subject comes up again in Congress, either one of two things will happen; either General Logan and his cohort will, each one in turn, utter the apostrophe to liberty given above, and mail it in suitable quantities to his unhappy constituents, or else they will completely change their tactics, and come out strongly in favor of Jenckes's bill.

Now the cry against bureaucratic despotism, which the friends of reform will have to meet sooner or later, has no foundation, for the simple reason that those countries in which it exists are tormented by it from the fact that it is supported by a large standing army. France and Prussia are afflicted by the evils of bureaucracy more than any other countries in the world; that is to say, the administration of their

government is placed in the hands of an army of officials which tends all the time to usurp more and more power. And the people who would like to prevent this are quite unable to do so, because the military force of the state is in the hands of the executive, and thus stands behind the various bureaus. To take a very signal instance: in the course of Haussmann's operations as Prefect of the Seine, that official discovered that he could not make some improvements which seemed to him desirable, without more money than had been placed at his disposal by authority of law; he accordingly took the money without authority of law. When the fraud was discovered the Parisians were angry, but what could they do? They could not remove the government which employed the fraudulent bureaucrat without a revolution, because there was an army of a million or so of men who would have prevented them. So Haussmann goes on improving Paris. But such a thing could never have happened in any country which was not kept in awe by a standing army; and until some one more awful even than the late Andrew Johnson appears upon the scene, we need not fear that in America. If any prefect of the Tombigbee or Suwanee, were to plunder the Treasury of the United States after Haussmann's plan, he would find in a very short time what kind of a bureaucracy he belonged to. To have a government of any class, whether an aristocracy, a plutocracy, or a bureaucracy, you must have force to back it; otherwise, the moment the people find they don't like it, they will quietly overturn it.

But the latest objection to Mr. Jenckes's plan, and by far the strongest, is one which has within a few days been urged in the columns of the *World*. That journal says that admitting entirely the necessity of reform, it fails to perceive that the proposed civil-service system meets the difficulties of the case. It works by a board of examiners, who are to examine all applicants for inferior positions, and recommend those who seem best fitted for the post they seek. But the superior offices—those which are filled by the President and Senate—the bill does not touch at all. The thousand or more places which Gen. Grant has just given away are not to be affected by the reform, and indeed cannot be, partly because a grave doubt exists whether the Constitution would permit such a change, and partly because no one would think of a competitive examination for Ministers Plenipotentiary, consuls-general, collectors, surveyors, and officials of this kind. The matters which need enquiry in such cases are not those which five or six gentlemen can very well discover by means of an "examination paper." The idea of Motley or Longstreet passing a "fair examination" is of course ludicrous. But it is these offices, the *World* says, which most need reform; what is the use of preventing a scramble for office in the lower grades, if we still permit the scandal of office-seeking in the topmost ranks?

The argument is a plausible one; but is, we firmly believe, unsound. The passage of the Civil Service Bill, though not directly affecting the superior offices, would have an important indirect effect on them. The curse of the present system lies in the existence of an enormous class of wire-pullers and managing men whose only idea of politics is to get a living out of the Government. The forty thousand smaller posts of emolument and trust which they seek at every election, and scheme for between every election, will be closed to them for ever after the passage of Mr. Jenckes's bill; their occupation will be gone; they will betake themselves, it is to be hoped, to honest callings—such of them, that is, as do not succeed in entering the service themselves in an honorable way. Now this will leave only those offices which are in the gift of the President and Senate at the mercy of the office-seekers, and to change the method of appointment, or rather the motives which govern the appointments here, we must rely on time. When you have the entire staff of an official army appointed on correct principles, the time is not far distant when the generals will be well selected and retained in the service during good behavior. One of the most powerful preventives of corruption and inefficiency in any department of government is a system of promotion. This is at present impossible, because no one stays long enough in office to admit of such a thing. The only change a good minister or consul experiences is that of retirement. But if you once give all the inferior officials a respectable tenure, there arises a possi-

bility of promotion for good behavior. The man who distinguishes himself in the lower grades will be looked upon, other things being equal, as a fitting candidate for higher honors. This is so now in England. The English civil-service examination does not apply to the higher offices any more than would Mr. Jenckes's system, but the office-seeking disgrace does not exist there. We do not mean to imply that the cases are absolutely parallel, but merely that the reform proposed may have a great effect. After we have reformed the lower grades, time and public opinion may be relied upon to do the rest. The attention of the country once thoroughly aroused to the necessity of the thing, we feel convinced that we shall see a return to the old ante-Jacksonian practice of appointing and dismissing also for cause. Public opinion is at present powerless, because of the enormous size of the evil; reduce that size to proportions of less terrible magnitude, as Mr. Jenckes proposes, and the chance for public opinion to do the rest will be a good one.

THE LATEST PHASE OF THE CONTROVERSY WITH ENGLAND.

AN authoritative and, it is generally admitted, correct statement of the national feeling with regard to the *Alabama* controversy with England, has now been made by Mr. Sumner. The newspapers, too, have all said their say about it, and have all said nearly the same thing; and doubtless in the instructions given to Mr. Motley, the exact position which the country has taken up in the matter and is prepared to stand by, has at last been defined. It may be worth while, therefore, to enquire what the prospect of a settlement on Mr. Sumner's basis is. We pointed out last week what we considered to be an omission in his speech, inasmuch as, while showing with great force that ocean belligerency is "a fact and not a principle," he failed to notice that the existence and activity of the Southern Confederacy in the summer of 1861 was also a fact, which it was impossible for the English Government to ignore, and which the blockade of the Southern ports, and the export of arms and ships from England to the Southern ports, would have compelled the English Government to deal with, even if the proclamation of neutrality had not been issued. The municipal right of blockade has never been conceded by maritime powers; and no attempt was made by the American Government to carry out the Act of Congress which asserted it. The Southern ports were blockaded as the ports of a belligerent, and English ships attempting to enter them would have been captured and condemned, on the theory that the South was a belligerent, even if the Queen's Government had remained perfectly silent. Moreover, the *Nashville* could have presented herself at Southampton in November, 1861, even if the proclamation had not appeared, and on representing herself as the armed ship of an organized Government, in possession of an army and territory and ports, would have been, under all the precedents, received and treated as a *belligerent fact*! The attempt so often made to make the proclamation appear *purely* gratuitous, by speaking of the Confederacy as a "power without ports"—like Switzerland or Bohemia—is simply puerile. The South had ports; and all through the war carried on an enormous trade through them. What people mean when they say it had "no ports" is that the ports were difficult of access, as indeed those of France or England might become, in case either of these powers was engaged in hostilities with an enemy superior at sea. The appearance of Confederate cruisers from Confederate ports, therefore, was not only possible, but probable, and if a Confederate cruiser had arrived in an English port before the proclamation was issued, the English Government would have been compelled to apply to it, as a *fact*, the knowledge it possessed of the existence of the Confederacy. To have treated it as a pirate would have been against all principle and all precedent.

Nevertheless, all that Mr. Adams said of the proclamation was perfectly true. It was "unprecedented and precipitate," inasmuch as it was clearly premature, and being premature it laid England open, as Mr. R. H. Dana says, to "the suspicion of an unfriendly purpose" towards the United States. Taken in connection with what followed—with the language of the English press and of prominent English statesmen, the tone of English society, and the misconduct of English officials

—Americans have been amply justified in treating it as an important piece of evidence in support of the charge of wilful neglect in the *Alabama* case. Whether, as Mr. Adams contended, the recognition created all the naval power the rebellion afterwards possessed, is a purely speculative question. To discuss it is to enter a region in which the understanding is of little or no value. We can no more answer the question, Would the Confederates have had any navy if Great Britain had not issued the neutrality proclamation? than we can answer the question, What would have happened if the *Monitor* had not reached Hampton Roads the day the *Merrimac* left Norfolk, or if Sherman had been defeated by Hood before Atlanta? Anybody is on such topics entitled to hold any opinion he pleases. Almost any opinion can be supported by a great variety of ingenious arguments.

But, for practical purposes, we are saved the necessity of discussing the question at all by the fact which all admit, that, *whether the proclamation of neutrality existed or not*, the creation by the Confederates of a naval base in England, and the fitting-out of ships in England to prey on American commerce, was unlawful. The course of the *Alabama*, from the moment her keel was laid until she sank, was, as Mr. Sumner has shown, a succession of "acts of war" perpetrated by English subjects, and with the connivance of the Government, against a power with which England was at peace. Her cruise was a "hostile" (English) expedition. This position once taken or conceded, the proclamation becomes of little consequence in fixing English liability. We do not need the proclamation to enable us to define the character of the *Alabama*. The fitting of her out, and letting her sail, was, according to Mr. Sumner's showing, the strongest possible form of wrong one nation can commit against another. It was injury of enormous amount added to biting insult. There is no offence one nation can inflict on a neighbor calling for broader or deeper satisfaction. It makes absolutely no difference whether it was owing to the proclamation or to the instigation of the devil that she was launched. American rights and wrongs remain precisely the same.

This being the case, the way in which the mere issue of the proclamation, or "the concession of belligerency," as it is called, has been by dint of rhetoric raised from the position of *prima facie* evidence of "unfriendly purpose," which it at first occupied, into that of a positive wrong in itself, the principal wrong committed by England against the United States; and the way in which the cruise of the *Alabama*—"act of war" though it was—has been degraded to an entirely secondary and subordinate position, and the material damage done by it set down as comparatively a bagatelle not worth discussion, is, in our opinion, one of the most curious and interesting phenomena ever witnessed in a great controversy. This process has been now going on steadily for six years. It has at last been consummated, and it will be well if it does not land the *Alabama* controversy in a veritable *impasse*, from which there will be no egress except by humiliating retreat or by war. The position of the United States now is, that the premature declaration of neutrality was an outrage of the same character as the attack of the *Leopard* on the *Chesapeake*, or of the filibusters on the *Caroline*, and must be atoned for apart altogether from the question of resulting material damage, in the same way in which Canning atoned for the *Leopard* outrage, by an apology and an expression of repentance. Now for the fitting-out of and sailing of the *Alabama* in contravention of her own laws and of the law of nations, and by the supineness or guilty connivance of her own officials, England may with dignity, and ought in justice, to express her regret, and even hearty and formal regret, besides paying the damage consequent on her neglect and wrong-doing. No nation, however powerful, is bound in honor to justify an illegal act, especially when committed by subordinate officials. Had the American Government, therefore, firmly clung to the position that the cruise of the *Alabama* was an act of war committed by Englishmen against a friendly power, to be atoned for by apology and substantial damages, we should see before us the prospect of a speedy settlement, satisfactory to the United States, and not humiliating to England. But what England is now asked to do is to apologize (as for a gross wrong, like the attack of the captain of a frigate on a foreign man-of-war in time of peace in a distant sea) for a proclamation issued by the Queen in council, with

the advice of her responsible Ministers, addressed to her own subjects, and putting in force an act of Parliament, the execution of which is expressly left to her discretion. The expectation that any English Ministry will venture to propose such a thing to Parliament and the country, or even to debate it seriously amongst themselves, we look upon as extravagant and baseless. There is not the smallest warrant to be found either in English history or in human nature for entertaining it. No first-class government ever submitted to such humiliation as this would involve, without fighting, and being reduced to the last extremity. We therefore venture to predict that any negotiations in which such a concession is demanded will, if pressed, lead to war; and if conducted on the waiting plan, of which some people seem so much enamored, will simply keep alive the feeling of resentment and bitterness between the two countries, and leave the Alabama controversy to be settled, Heaven knows how, by some future generation. There is such a thing in diplomacy, as in law, as proving too good a case, and if an apology and compensation can be got for the sailing of the *Alabama*, the discussion of the causes of her sailing, whether moral or material, may safely be left to the debating clubs.

COURTS OF LAW IN RUSSIA.

THE Courts of Justice in Russia have long been a by-word in Europe and America, and still are to people who know only the old *régime*. Not even the Emperor Nicholas was blind to their defects, and as long ago as 1848, consulted Count Bludoff as to the way of remedying them, and by his advice gave the second division of his private Chancellory the authority to devise a new system. The second division reflected a long time over the matter, and in 1861 the Emperor Alexander, when he returned from the Crimea, found that the first principles of the new system were not yet agreed upon. He immediately appointed a commission of eminent jurists to examine all foreign systems of administering justice, and to agree on one which could be applicable to Russia. After much labor and consultation, the Commission published in October, 1862, the "fundamental principles for remodelling the Courts of Justice," copies of which were sent throughout Russia, and the public was invited by the official newspapers to discuss them, and to send in their remarks to the Commission. More than five hundred articles and criticisms were received, and they filled, when printed, seven large volumes. The Commission now went zealously to work, and in May, 1864, made their final report. The system which they recommended was approved by the Council of the Empire, and was finally sanctioned by the Emperor by a ukase of November 20, 1864.

The new courts were first introduced into the governments of St. Petersburg and Moscow, and eight others in their immediate neighborhood, and began work on the 1st of January, 1866. In 1867 they were introduced into six other governments, and on January 1, 1869, into five others, and partially into ten others. They have also been introduced into the Caucasus. Poland, the Baltic provinces, and Siberia are the only regions still unprovided, and measures are being taken to introduce them there, but as elective assemblies play a certain part in the matter, they must wait for the formation of those bodies. It will be seen that though there is no legislative representative assembly in Russia, the sense of the nation is sometimes practically consulted. The same method has been used in preparing other great reforms; and even in getting up a new tariff, the law was prepared by a commission who heard delegations from all over Russia. The results of the judicial reform may be briefly stated as these: Judges, trained to the law and independent; a complete separation of civil and criminal jurisdiction; trial by jury in criminal cases; publicity and fairness.

The lowest jurisdiction is that of justices of the peace, who sit separately and in *banc*. These justices are elected by the *zemstva*, or provincial assemblies, the members of which are elected by the people; and they may be chosen from any class, but must have a legal education, and an amount of property equal to fifteen thousand rubles. They receive from one thousand five hundred to two thousand two hundred rubles salary. They have jurisdiction in small cases, both civil and criminal, and the procedure is somewhat informal. Next above are the District Courts, consisting of several judges, who go on a circuit throughout the district, which is usually a single government. There must be always three judges on the bench. These courts are divided into two branches, the civil and criminal, and have jurisdiction in all cases that do not go before the justice of the peace. The judges are appointed by the crown for life or good

behavior, and receive salaries varying from two thousand two hundred to four thousand five hundred rubles. There are, however, some cases which are excepted from their jurisdiction, such as offences against military law, or by persons in the military service, which are tried by the military tribunals, offences against certain church laws, which are tried by the ecclesiastical tribunals, etc. Next above the District Courts are the Chambers of Justice, Courts of Appeal, composed of twelve or more members, who are appointed by the Crown, and receive salaries of from three thousand five hundred to six thousand rubles. The Chambers of Justice are divided into departments according to the character of the cases. There are at present four: at St. Petersburg, Moscow, Kharkof, and Odessa. The highest Courts of Appeal are the two Departments of Cassation of the Directing Senate, one for civil, the other for criminal affairs. The senators are appointed by the crown, and receive seven thousand rubles salary, the presidents of departments getting two thousand additional. The Senate, as originally constituted, had the powers of a Court of Appeal, together with that of registering and publishing the laws, and was composed chiefly of retired generals, about whose judicial abilities many amusing stories are told. Since the formation of these new Departments of Cassation, the members of which are all jurists, no appointments have been made to the other departments, and they will all, with the exception of that which has charge of registering the laws, be allowed to die out. The decision of the Senate is final, and has the force of a law. There cannot, however, be two appeals, as in New-York, for the Chambers of Justice and the Senate have different powers. An appeal is taken to the Chamber of Justice on the ground of some impropriety in the trial in the District Court, and the whole case, facts and all, is reviewed, and finally decided. An appeal to the Senate lies in case of a misinterpretation or misapplication of the law by either of the other Courts; and if the appeal is decided favorably to the applicant, the judgment of the inferior court is declared null, and the case remitted for re-trial. The Chambers of Justice have also some other powers, as will be seen below.

There is, of course, the usual staff of secretaries and clerks, and there are always official stenographers attached to the District Courts. The case of the Government is represented by officers, corresponding to our State and District Attorneys, called *procureurs*, with their assistants, and with them are connected judges of inquest—the French *juge d'instruction*—who go through the preliminary investigations in criminal cases. There is only one grade of attorney; he must be a citizen, be twenty-five years of age, of good moral character, must have received a diploma in the law course from some university or law-school, and in addition must have served for five years either in the courts, or as *candidate* for legal employment, or with some advocate as assistant. He is admitted by the Chamber of Justice after passing the examination of the Society of Attorneys, and on their recommendation. The candidate for legal employment is one who has received the diploma from a law-school, and has entered his name at the Court. He is considered in government service, without pay, and may be ordered to perform any legal duty of a light character which the Court may think necessary, such as to defend criminals, supply the places of inquest judges, etc. He is obliged to frequent the courts, in order to acquaint himself with law and procedure. Parties are also allowed to plead their own causes.

A civil cause begins and proceeds in substantially the same manner in Russia as in most other countries; a summons is issued by the Clerk of the Court on the request of the plaintiff, and the presentation of a *prima facie* case. More interest attaches to the trial of criminal cases, as in these the jury is used, an institution very new and strange in Russia. On information lodged by the police or by a private person with the procuror, he instructs the inquest judge to go to the spot, investigate the matter, and take proof, and, if it is sufficient, to arrest the accused. The procuror then draws up a bill of indictment, and sends it with the evidence taken to the Chamber of Justice on which his district depends. If the evidence is judged sufficient, the matter is dropped, otherwise the indictment is returned with instructions to proceed. It is never in the discretion of the procuror alone as to whether to go on or not.

A criminal trial by jury in Russia does not differ greatly in form from one with us; it is, however, the minor differences and the *tout ensemble* that make it seem a little curious. As soon as the court is opened by the presiding judge the accused is brought in, guarded by two soldiers in long gray overcoats, with bayonets fixed. A jury is then empanelled. A general jury list is annually prepared of all persons in the district liable to jury duty, who must be twenty-five years of age, neither blind nor deaf, must understand Russian, must be in government service, or have a certain small amount of property or receive a certain salary (the minimum is

two hundred rubles per annum), *or* be peasants chosen by their villages or holding some responsible office in their villages. But all persons in military and naval service, priests, monks, and teachers of national schools are excluded. From this general list special lists are prepared at special times, so that no person shall serve more than once a year. When the jury is empanelled, the judge reads a list of about fifty names, from which the procuror and the prisoner's counsel can each strike off six. They cannot object to a juror for prejudice. The remaining names are put into an urn and the judge draws out fourteen. The jury consists of only twelve, but the extra two are sworn in, and listen to the case, but act only in case of the sudden illness, etc., of any juror. The priest attached to the court then puts on his robes and brings out a reading desk with the Gospels and a cross. The jury hold up their right hands with the thumb and two fingers pressed together in sign of the Trinity when they take the oath, cross themselves, and kiss the Bible and the cross. During this ceremony the audience and assistants all rise, as also when the judges enter, and when judgment is pronounced. After this the indictment is read, and the prisoner answers, guilty or not guilty. The witnesses for the prosecution are then all introduced at once, are questioned as to their relationship or indebtedness to the prisoner, and are then sworn in the same way as the jury. They afterwards retire and appear only as they are wanted. There is no witness-box, but the witness stands in the centre of the room facing the jury. Each witness is questioned first by the judge, and then by the procuror, and then cross-examined by the counsel for the prisoner; and finally, the prisoner himself is allowed to interrogate him and to make counter-statements. When the testimony is finished the procuror speaks to the jury, then the counsel, and then both again if they choose, and the prisoner is allowed to speak also if he wishes. The judge then sums up the evidence and gives to the jury, in writing, the questions they are required to answer—which are agreed on between the procuror and the prisoner's counsel. The jury do not give a general answer of guilty or not guilty, but answer these questions separately. Even in cases where the prisoner pleads guilty the case goes to the jury, and they may find the circumstances so extenuating as to return a verdict of not guilty. While the jury is out, the judges and lawyers retire to their withdrawing room, where there is always some smoking, and usually tea-drinking also. The foreman of the jury delivers the verdict to the presiding judge, who reads it aloud and then pronounces sentence. Neither judges nor lawyers wear gowns. The judges and law officers of the crown are in the plain uniform of the service, the other lawyers in the case in full evening dress.

The benefit of trial by jury is doubted by some even in England and America, and it of course finds its opponents in Russia; the procurors, for example, think there are not enough convictions. But, on the whole, it seems to work well there, and the method in which trials are conducted is fair and satisfactory to the public. The judges say that juries are much better than they had any right to expect, that they understand what they are about, and are not troubled by class prejudices. In the country towns the juries are very often of peasants exclusively, and in the cities there is hardly ever a jury without one or two on.

But what is considered in Russia the great merit of the judicial reforms is, that the trials are public. This is, indeed, a great safeguard. Secret trials have always been associated with tyranny and injustice. Three years have not yet worn off the novelty of a public trial in St. Petersburg and Moscow, and the courts are nearly always crowded with spectators. The newspapers are permitted to publish their own reports, which they do very fully, devoting usually more space to the courts than is given to them by a New York paper. Criticisms, too, on the proceedings are not unusual. Publicity is very favorable to the integrity and independence of the judiciary, and the character of the judges in Russia stands now as high as it once was bad. They by no means always decide as the government officials would have them, and in one or two cases where the freedom of the press was concerned, they have decided against the Government, much to the dissatisfaction of the Minister of the Interior. There is at present a healthy antipathy between the courts and the police whose functions have been greatly cut down, and a police official who has been guilty of any stretching of his prerogatives meets with but little mercy from either procuror or judge. The character of the bar has been very much raised by the new laws, even in three years. Law, as a profession, is now a career, and not only are more able young men studying law, but members of the higher nobility—Princes and Counts—are entering on law, not as an amusement, but with intention to devote themselves to the profession. One young man of twenty-seven, Prince Urusoff, has already made himself a name as a criminal lawyer which is known throughout Russia.

Correspondence.

ANOTHER WORD ABOUT THE "ALABAMA" CASE

TO THE EDITOR OF THE NATION:

SIR: If you will allow me one word in reply to your remarks on my letter of March 25, I will endeavor to say as little as possible.

Had not your Senate quashed the *Alabama* convention, the evidence of the case would have brought out by this time, that the very fact of the recognition of the treaty being "premature" is the proof of the friendliness of our Government at the time. Your minister was known to be on his way to London, and the agents of the rebels knowing this were expediting the departure of two vessels bound for the South. Without the proclamation of neutrality it was impossible to stop their departure. Obviously, then, that recognition of the state of war, which you yourself confess was inevitable, was the more friendly to your Government in proportion as it was more immediate. And I know it was pressed as such at the time by the warmest supporters of your cause. You think the kindness mistaken, but done in kindness it was. You grant the recognition was inevitable, but blame it as being premature. Surely this explanation of the motives of what seems to you indecent haste will make you pause in your criticism. You, sir, have done what you could to keep your readers in possession of the truth as regards England; and you know how much an increasingly large party in England felt for the United States, bled with the United States during your struggle. That party feels now at a loss how to act and what to advise. In other words, I would respectfully repeat my question, "What would the Senate have accepted? Could not the slight defects of the system of arbitration proposed have been modified by one hint to Mr. Johnson during the discussion of the treaty? And if so, were not the Senate bound morally to aid the construction, and undertake the ratification of a treaty negotiated by their own agent?"

With this letter of mine and your reply, I know our controversy will end. The time which elapses between our replies is too long to make such a discussion possible. But its issues are too great to import any acrimony by carping at details. Of course we, English, blushed at the tone of our newspapers, at the tone of our Beresford Hopes, and at the remissness of our government officials; now, in turn, we are vexed at the seeming want of high-mindedness in your papers and your Government.

In all good faith I again ask you, "Do you wish for a settlement of this quarrel? And if so, what do your Senate and people want?"

I remain, yours faithfully,

RUGBY, ENGLAND, April 7, 1869.

H. LEE WARNER.

Notes.

LITERARY.

MESSRS. T. B. PETERSON & BROTHERS announce a new novel, "The Changed Brides," which is quite equal to "Fair Play" and "How He Won Her," which are "two of the best novels ever published." It is the work of Mrs. Emma D. E. N. Southworth, who "is beyond all doubt the first female novelist of the day."

—The New York Chapter of the American Institute of Architects are endeavoring to raise money for the purchase of a library of works on architecture, which shall be free to all members of the Chapter, and to all draughtsmen, students of architecture, and amateurs, who are provided with tickets—in other words, free to all respectable applicants. That this purpose may be the sooner effected, the architects have done what the painters and sculptors did long since; they have established two grades of honorary membership—membership for life, an honor which costs a hundred dollars, and membership in perpetuity (descending to heirs and assigns) which costs five hundred. That to subscribe for the furtherance of this enterprise is a good use of money will not be doubted by any one who takes into account the reasons which the architects urge. Architectural works are so expensive that without a public library many of the students of art will be without the means of completing their art education. This holds true in especial of many of the students of the art of industrial design, who are often poor, and who often, too, are of that class most to be sympathized with—girls on whom are thrown responsibilities that do not rest on the most of their sex. There is no doubt, either, that the influence of such a library would have its effect in giving us good buildings as well as beautiful ones—buildings that should neither be eye-sores nor

stand as monuments of wasted material, labor, and time. The Chapter has already secured as subscribers fifteen or twenty of the best-known citizens of New York.

—Criticism, as some of the poets once in a while are constrained to remind us, "is not 'creative' literature." Still, the student of it sometimes comes upon something that repays him for his labor. Last week a correspondent of the *Tribune*, writing from a town in the north-eastern part of this State, expressed his dislike for one of the usages of the Baptist Church—or withheld his approval—in these terms: "Here, on bitter cold days, with the thermometer at zero, the rough rivers hid in thick ice are bared with axe and spade, and the converts—often sweet young girls of tender age—are plunged in. As we see them struggling in evident fear and agony, shrinking from their water-soaked garments which freeze about them, we can but ask if this be imitating the blessed Master. Instinctively we ask, Had Christ preached and baptized in this climate, would he who healed the sick have risked the life of the body to purge out the innocent stains of girlhood? I have no ill-will toward any denomination or any member of any denomination, but I would have this cursed abuse corrected." To have no ill-will toward any denomination or any member of any denomination covers a wide field of human charity, and one might have supposed that it would have disarmed criticism. The correspondent, however, has by this time made a discovery to the contrary; a critic of his criticism, who writes in the *Examiner and Chronicle*, deals with him in an exemplary manner. First he refutes the correspondent's errors in judgment. "We have reason to suppose," he says, "that the blessed Master knew all about the temperature of the Adirondack region when he gave the commission commanding his followers to give baptism 'in all the world' to them that believe." And furthermore, "the history of such baptisms proves that the blessed Master knew as much about the laws of health as he did about the temperatures of the world." Thus the matters of fact are disposed of. But the correspondent's moral turpitude, as shown in his using the word "cursed," is not left without notice: "We apprehend that our critic will have plenty of time to recover from his shock before the 'abuse'—about which he knows how to swear—is 'corrected,' and, finally, he is finished off by a remark or two about his probable disregard of the decencies of life and of the laws of health in neglecting the duty of personal cleanliness. Very likely he doesn't wash himself: 'Nobody in ordinary health is injured by a cold water bath; and if our critic were to try one himself we have no doubt that it would do him good both in his temper and his health. We advise him to ask these sweet young girls to whom he so commiseratingly refers, what they think of a cold water baptism. It might teach him some lessons as to the effects of very cold water that would be of service to him.' One is never unprepared to learn that a critic is ignorant and intellectually feeble, nor that he is morally defective, nor that he lacks reverence, and is manifestly irreligious. Such shames are common; we have no knowledge of so bad a class of men, unless they are very much belied. But it is something new to hear a charge preferred that the fraternity are filthy in their personal habits. However, in this case it is not only a critic that is criticised, but a critic that is criticising, and of course nothing is astonishing.

—A leader in a recent issue of the *Independent* affirms that "President Haven of the University of Michigan has just thrown open his college doors to the daughters as well as to the sons of the West." As this statement may mislead the public mind on a subject in which many people have a personal interest, we think it very desirable that it should be corrected, although the absurdity of it will be at once apparent to any one who has the least acquaintance with the organization of the institution referred to. It does not lie in the power of any one man either to open or to close the doors of Michigan University to any class of persons. The entire control is constitutionally vested in a "Board of Regents," and we have sought in vain in the published proceedings of that body for any act indicating a change of policy in respect to the admission of women to the privileges of the University. About ten years ago a "memorial of several young ladies" brought this subject before the Regents, who, however, passed a resolution declaring it to be "inexpedient to introduce this change into the institution." This resolution, we have the best authority for saying, has never been rescinded and still expresses the official attitude of the governing power in the University on this vexed question. How soon the restriction may be removed, of course we cannot tell. The positive editorial statement of the *Independent* is possibly prophetic, but it is certainly premature. We are well aware that there is no salic clause in the organic law or in the code of rules and regulations of the college, except it be the invariable use of the pronoun "he" in defining the rights

and duties of the student; *sed more fit*; custom is a law; precedent is a barrier not more passable than statute.

—We spoke last week of the Chevalier de Rossi's great work, the "Roma Sotteranea." The curious pages in the early history of the Christian church which are written in the inscriptions of the Catacombs have, probably, never had a more thorough student than De Rossi; and the American religious world is to be congratulated on the fact that there will soon be in our market a comparatively cheap edition of the translation of his book, which has been made by the Rev. Mr. Spence Northcote. We refer to the matter again, after having looked over a little volume, the work of a Canadian clergyman, which was published in Toronto some ten years ago, and which is more creditable to the literature of the Dominion than any other publication coming from its western provinces that we have as yet seen. We gladly take this opportunity to speak of it with due respect, as it will so soon be superseded, quite as much, we dare say, to its author's satisfaction as to anybody's else, for he seems to have pursued his study modestly and sincerely. What we more particularly had in mind, however, was to say a word on a subject of which the mention of De Rossi's book reminded us, and in which we descendants of the Puritans—or at all events spiritual descendants, whether we will or no, of the early Christians—may be supposed to take some small interest. The Puritans have been laughed at for a good many things, and for not many have they been laughed at more than for their way of conferring on their children and taking on themselves scraps of Scripture, or, indeed, whole slices of it, as proper names. It was a custom, however—speaking by the way—to which we probably owe two or three of the prettiest of English female names—Grace and Hope, for example; and perhaps we may include Faith, which has defenders. But something not at all unlike this Puritan practice prevailed among the Christians of the Church's earliest days, as the catacombs bear witness by preserving such names as Quodvultdeus (*quod vult deus*). From the spirit in which this name was assumed sprang also the names of humiliation which the catacombs record, as Limus, or Filth—unless, as is possible, the heathen were the sponsors in such instances. It was, however, only in the days when there were the fanatical as well as the real reasons for what the Romanists call "Bible-worship," that the fashion of textual names, as we may call them, could have reached the extreme of which the famous "Praise God" etc. Barebones is the familiar illustrative example.

—Prosper Mérimée, the French academician, whom the Paris journals have just put to death and then brought to life again, in his younger days was guilty of a literary mystification which had an amusing success. In 1827, he with a friend was planning a journey to Italy and intended to extend the tour to Dalmatia, but as their funds were scanty they proposed to write their travels in advance and employ the money they got in seeing if they were much mistaken. Mérimée said that he would collect and translate the popular poetry, and as his skill in this matter was doubted, he brought to breakfast the next day five or six such translations. He afterwards wrote many more and finally published them in a volume called "La Guzla, ou choix de Poésies Illyriques, recueillies dans la Dalmatie, la Bosnie, la Croatie, et l'Herzegowine." The notes were filled with Illyrian words, and the writer got up his subject from one or two books of travels. The chief object of this mystification was, says Mérimée, to have a hit at the "local color" with which everything published at that time was filled. The notes of Chateaubriand, of Southey, and of Moore, to their poems, are patent indications of this demand for local color. Not only was the book supposed to be genuine in France, but a German made it the subject of a profound dissertation; and Mizkiewicz, the Polish poet, who was well versed in Slavonic poetry, never doubted its genuineness, and translated some ballads from it into Polish, while Pushkin translated nearly all of them into Russian. The translation of Pushkin was well received, and it was only eight years afterwards when he wanted some further information as to the original that Mérimée explained what he had done and apologized for the deception.

—M. Feydeau's new monthly art-periodical is of 88 large octavo pages, the printed page being of the size of that of the *Fortnightly Review*, but in larger type than that, and on larger paper, so as to present a very elegant aspect. It contains no illustrations, but from seven to nine body articles to each number, followed by "Nouvelles de l'Art et de la Curiosité," in smaller type. As is usual in French journals, each article is signed. The *Revue* has about it this much that is remarkable, that it undertakes to espouse vigorously a cause; it devotes itself to the promulgation of certain theories of art, and the full criticism, according to the best lights,

of works of art, collections, and of acts of individuals and of the state which bear upon the arts. If its course should continue to be in the spirit of the leading address to the reader, it might prove of the greatest value to the arts, to literature, and to history; but such a course would be almost unexampled. The announcement of intentions is, however, frank and complete enough: "It will not be a work of pure analysis and of cautious speeches (*ménagements*), but an instrument of warfare and of polemics. It has always appeared to us singular that, while in all political, social, philosophical, literary, and religious questions two hostile camps are set face to face, each trying to destroy the other, there should not be the same in questions of art. Between us and our adversary there is no true possible. We represent principles diametrically opposed, and the affirmation of one set implies the negation of the other. . . . We shall support and protect every attempt, however timid, however juvenile it may be, which may tend to bring the French school into the healthy and natural path laid out and laboriously followed by the masters. It is for this task, and because we were fatigued with the guilty good-nature and the caprice which too often preside over the criticism of art, that we have founded the Review." We leave for future notices the mention and criticism of particular articles. The Review seems to be an undertaking of first-rate importance, which we are glad to welcome.

WASHINGTON BEFORE AND SINCE THE REBELLION.*

WASHINGTON is a changed place from what it was fifty odd years ago when the witty Abbé Correa de Serra, then minister from Portugal, bestowed upon it the well-known epithet of the City of Magnificent Distances. The distances are still respectable, if not magnificent; but the vast intervals which used to yawn between the spots reclaimed to human habitation have been filled up, and the amorphous aggregation of buildings has gradually crystallized into a compact town.

"The embryo capital where Fancy sees
Squares in morasses, obelisks in trees,"

as Tom Moore said of it sixty-five years ago, has measurably fulfilled the vision of Fancy, if not in splendid squares and towering obelisks, at least in a few public buildings worthy of the capital of a great nation. The growth of Washington was very slow for a long time, as was natural enough, it being a purely factitious city, with no *raison d'être*, no excuse for existence, the creature of theory and not of necessity, or even of convenience. And it was the creature of the theory of a poor nation, without an inspired savage, like Peter the Great, at its head, to force its growth by compelling the energies and resources of a needy population into artificial channels by stress of absolute power. So its distances long remained magnificent, its broad avenue only deepening and widening the ocean of mud which formerly even more than now was the terror of horsemen and the despair of foot-passengers. Speculators, of course, at once flocked thither, in that childlike faith in the omnipotence of law which still distinguishes the universal Yankee nation, most of whom learned by hard experience that cities no more than spirits can be called from the vasty deep even by the spells of the most fairly engrossed of statutes. They did succeed, however, in driving the inhabitants to hide in the rear of the capitol, which, through their means, turns its back upon the city on which it was intended that it should lift up the light of its countenance.

The population was, of course, as artificial as the city it inhabited was factitious. There was no natural reason for its being there at all. Unlike Topsy, it did not grow, but was made, and made out of the most heterogeneous materials. No one came there from any love for the place, or from any associations with it. Besides the aggregation of office-holders which necessarily clustered around the capital, there were none, for long years, other than the patient waiters on the rise of real estate that chose to encounter the discomforts of frontier life combined with those of a society pretentious without pretensions. So intolerable were its annoyances that in less than ten years from its occupation as the seat of government, a serious proposition was made, and defeated in the House by only two votes, to remove back again to Philadelphia. Josiah Quincy says, writing to his wife at that time, "the society here has exceeded its ordinary measure of dulness, and, since the question of removal has been agitated, it has been distracted with every species of personality and violence." This latter statement we may well believe, since Mr. Sloan, of New Jersey, who made the motion for removal, declared in his place that he had been threatened with assassination if he did not abandon it. A

little later Mr. Quincy writes again: "All the settled inhabitants of the place are slave-holders or office-holders. All are interested in building up Washington. Appropriations out of the Treasury are the chief objects of their thoughts." And zeal in the procuring of these was the chief virtue and duty of every Congressman, in their eyes, which alone could merit the privilege of their friendship and society. The slave-holding influence it was that defeated the project of returning to Philadelphia, the instinct of that subtle power teaching, even at that early day, the importance of having the seat of government under the shadow of the ever-encroaching institution. And up to the rebellion, the society of Washington was informed and permeated by the pro-slavery spirit to a degree which made it hardly possible, certainly most unpleasant, for persons tainted with Republicanism, to say nothing of Abolitionism, to have any part or lot in it. Indeed, no prudent Abolitionist resorted to the metropolis of his country, unless under strong necessity, previous to the election of Lincoln, and never without an animating consciousness of possible personal danger in by no means improbable contingencies.

These are some of the reflections which are suggested by Mr. Gobright's book, although it does not treat of the days of which we have just spoken. Mr. Gobright came to Washington early in the year 1834 and has lived there ever since, "connected with the press" in various capacities. Much history has thus passed under his eyes, and this volume narrates some of the more prominent facts of which he has been the spectator, from Jackson's battle with the Bank down to the impeachment of Johnson. His work is not without a certain interest to those whose memories run so far back, as it revives the recollection of occurrences all of which seemed to be of vital importance, and some of which really were so, which have been crowded out of view by the rush of later events. And to that fortunate number whose lives are comprised within the five and thirty years of Mr. Gobright's "Recollections" his record of them is an abridgment of that portion of history which may serve to induce a more curious examination of it. His claims are very modest and his handiwork does not call for criticism. He does not meddle with the philosophy of the facts he narrates nor go beneath the very surface of the history over which he skims. The hand of the paragraphist and the dealer in items is everywhere manifest, and there is little or nothing that he tells that a reasonably well informed man of the right age with a tolerable memory will not find that he remembers. But such a *résumé* is not without interest nor without value, and exempts Mr. Gobright from the category of those who spend their strength for naught. He does not supply materials for the historian that is to come, and is far enough from doing that constantly expected personage's work. To this, however, he makes no pretension. But as something to stay the stomach of the hungry enquirer till he can be fed full, this slight refection may answer a wholesome and sufficient purpose.

Washington had begun to harden from the gristle into the bone when Mr. Gobright first settled there, and was grown into a sprawling hobbled-hoy of a city, and its society had become comparatively consistent and homogeneous. But it was intensely Southern in its affinities and, as we have said, bitterly pro-slavery in its feelings. Of course, there were honorable exceptions to this general rule, the more honorable for their rarity. It watched with delight the seeming triumphs of slavery, not divining that they were only hastening on its destruction. The Annexation of Texas, the Mexican War, the Fugitive Slave Bill, the Kansas struggle, the repeal of the Missouri Compromise, Brooks's murderous assault on Senator Sumner, all these prologues to the theme of Secession were rapturously applauded by the finest society of Washington as sure to usher in the millennium of universal slavery. And when rebellion came there were none more sanguine of its success or that rejoiced more sincerely, and as loudly as they dared, over the early victories of the rebels, than the principal inhabitants of Washington. During all those years, too, the inherent semi-barbarism inseparable from slavery would crop out from time to time from under the thin veneering of external refinement of manners. Of this Mr. Gobright's "Recollections" contain abundant evidence in the disgraceful scenes in both Houses of Congress, and elsewhere, enacted by Henry A. Wise, Baile Peyton, Henry A. Foote, and Thomas Benton, not to mention the attempted assassination of Mr. Sumner by Brooks, and the actual assassination of the Irish waiter by Herbert. Eight years have wrought a mighty change. Even the most vicious of the sympathizers with the rebellion are comforted by the improvement in their real estate and the increase of population consequent on its suppression; and though the tricks played before high Heaven by the War-horses are more absurd they are not so dangerous as those of the Fire-eaters. Mr. Butler proposes merely to cut our purses and not our throats, and Mr. Banks, instead of threatening bloody Disunion, mildly suggests the annexation of all suffer-

* "Recollections of Men and Things at Washington during the Third of a Century. By L. A. Gobright." Philadelphia: Claxton, Remsen & Haffelinger. 1860.

ing nationalities by resolution and good advice. The composition of Congress is certainly capable of immense improvement, which we have faith enough in the common sense and the sense of the ridiculous of the people to believe will yet be made. And we feel assured that the reminiscent yet to be, that shall recount the events of the five and thirty years from the accession of General Grant, will have a better story to tell than has fallen to the lot of Mr. Gobright.

VAN PRAET'S HISTORICAL ESSAYS.*

In these days of historiographical amplitude—when every writer, of whatever capacity and on whatever subject, strives to be as full and as descriptive as Livy, and when even such eminent historians as those to whom we owe the "Consulate and Empire," the "History of England" under James and William, and the life of "Frederick the Great," tire us out by the length of their narratives, speculations, or incidental talk—it is quite refreshing to meet with a book like M. Van Praet's, in so high a degree combining richness of contents with conciseness and brevity. In a very small compass it sketches the principal outlines of the political history of France, Spain, England, Italy, Germany, and the Low Countries—but only in their relations to, and action and bearing upon, each other—from the death of Edward III. to the peace of Utrecht, in traits so well drawn and so distinct as to put the whole development of European politics, from their earliest origin at the dawn of modern history to their first culmination in William III., in the fullest relief.

The end of the feudal wars between England and France; the position of Burgundy, under its four dukes of the house of Valois, between those contending parties; the attempt of Charles the Bold to carve out with his sword a new empire between Germany and France; the family wars that succeeded the feudal; the unification of France under Louis XI., simultaneously with that of England under Henry VII., and of Spain under Ferdinand of Arragon; the dissolution of Burgundy; the wars for territorial aggrandisement waged by Charles VIII., and Louis XII. in Italy; the intrigues of Pope Julius II., and the league of Cambrai; the long duel for supremacy between Charles V. and Francis I.; Charles's conflict with the Protestant princes of the empire; the struggle of Philip II. with the revolted Netherlands and with England; the separation of the Netherlands and the formation of the Dutch Republic; Henry the Fourth's and Richelieu's endeavors to break up the Spanish power; the attempt of Ferdinand II. to unite Germany under imperial sway; the relations of England under the Stuarts, Cromwell, and the Restoration, with France, Spain, and Holland; the wars of Louis XIV., and the career of his great antagonist, William of Orange—these are the main topics of M. Van Praet's work, which, while it pretends to be only a historical sketch of European politics, contains so many personal delineations and so many summaries—though no description—of events as almost to deserve to be considered a philosophical history of Western Europe. Though presupposing a full knowledge of the events of the periods it treats of, it is, by the clearness of its statements and the perspicuity of its generalizations, made fully accessible to the understanding also of those who approach the general history of those periods with the curiosity of tyros. Some small faults of obscurity in style are to be charged to the translator rather than to the historian.

The author, who before elaborating this his first historical work had "passed more than thirty years in the absorbing pursuits of public life"—devoted to the service of Belgium—finds it possible that, in observing the progress of governments, an involuntary preference, or long and deeply-rooted habit, "has led him to look more especially to the personal side of historical events, and to dwell too much on the influence exercised by the acts of particular men at critical moments." This "too much" may be comparatively correct, but in themselves the sketches of leading men given in this book—such as the pictures of Philip the Good, Charles the Bold, Louis XI., Francis I., Charles V., Philip II., William the Silent, Richelieu, and William III.—form its most delightful, though perhaps not its most important parts. Some of these pictures are, so to say, full-size portraits, which readers familiar with the corresponding delineations by Schiller, Barante, Prescott, Macaulay, Motley, Kirk, and others, will still find highly attractive. M. Van Praet has profited by the latest publications on his subject—among others he mentions the two last-named American historians with praise—and draws his material chiefly from documentary sources such as the correspondence of Charles V., by Dr. Lanz; the Papers of Cardinal Granvelle, collected by M. Weiss; the correspondence of Philip II. and

of the Prince of Orange, published by M. Gachard; the Archives of the House of Orange-Nassau, by M. Groen Van Prinsterer; the documents on the succession of Spain, by M. Mignet; the negotiations between France and Austria, by M. Le Glay; the different collections of Venetian despatches; the voluminous memoirs of Richelieu, and the "Letters and State Papers of Richelieu," by M. Avenel.

Pure objectiveness is one of the most striking characteristics of M. Van Praet's "Essays." Though again and again generalizing and reasoning, the writer is nowhere to be discovered in his writings, and were his name and one or two sentences of the "Preface" omitted, it would be a hard task to find out his national, political, or religious stand-point. But the subject—perhaps selected on that account—caused itself the author's native land, "the Low Countries—the birthplace of Philip the Good, of Mary of Hungary, of the family of Croy, of Adrian VI., of four or five generations of the House of Nassau, of Egmont, of Barneveld, of Tilly, of Tromp, of De Witt, and of Heinsius, and more especially the provinces of the South, the country where the Dukes of Burgundy lived, where Charles V. was born, where the Duke of Alva combated the Revolution and the Reformation; where Maurice of Nassau fought against Spinola, William III. against Louis XIV."—to occupy inevitably, a very prominent place in his sketches. During the two centuries' struggle between France and the House of Austria—it began shortly after the accession of Francis I., in 1515, and ended shortly before the death of Louis XIV., in 1715—the Belgian section of the Netherlands never ceased "to have an importance disproportionate to its population and military force, as one of the fields of battle, and as one of the great stakes which were played for. This importance resulted from its central position on the map of Europe, from its wealth, its contiguity to France, to Germany, and to the sea; its situation on two great rivers, the considerable increase of power it brought, or threatened to bring, to any one of the great states which might possess it or covet it; and from the difficulty of founding a balance of power in Europe, likely to last, when these provinces were in the hands of one of the great states, or one of those deeply engaged in a general war."

Want of space prevents us, to our regret, from more fully acquainting our readers, by means of copious extracts, with this excellent work. It is as well written as well conceived. Its translation from the French was begun under the auspices of Mrs. Austin, and almost entirely revised by Sir Edmund Head, neither of whom, however, lived to see it published.

THE MAGAZINES FOR MAY.

PUTNAM'S for May has an article which fully accounts for the recent opening of Japan to the Western barbarians. It relates that in the year 1850, Gallatin Lingenfelter, the only son of an American merchant, made a voyage to China, for purposes of business, and that his vessel foundering, he and a boat's crew were cast ashore upon the island of Nippon. He made land in a little bay fronted by a lawn, where were a group of women, the attendants of a young girl who evidently was a personage of consequence, and who was not of very dark complexion. Lingenfelter, weakened by the great privations he had undergone after his shipwreck, fell down in a swoon before he could reach the feet of the chief lady, but not before he had seen that, like the beautiful Haidee, she looked upon him compassionately and with admiration. When he awoke, however, he found himself and his companions under the guard of a battalion of soldiers, and immediately he was carried off into the interior of the country. Several times he was on the brink of death by decapitation; once the executioner stood behind him sword in hand, but opportunely a conch shell and a horn were blown, a commutation of sentence came, and slavery was the worst calamity that overtook the unfortunate prisoner. He had two consolations, however; he had in his possession a stick of wood on which was drawn the picture—mysteriously conveyed to him—of the young lady whom he had seen on landing, and his daily work lay in a flower-garden. Horticulture had always been his delight, and soon his bouquets became renowned throughout the island, and still are a proverb in all Japan. We need hardly say that Lai-lai-lin, hears of the remarkable florist, that one day she goes with her retinue—she is no less a personage than the daughter of the Tycoon—to our hero's master's garden, that she recognizes her old acquaintance, that she has always loved him, that it was at her intercession that his life was spared, that she at once has him transferred to her own grounds, where he surpasses himself and his gardening, that he teaches her the rudiments of Western science, and that just in the nick of time—for in a day or two more she would have had to marry a certain daimio, the Prince of Sinaro—an American man-of-war arrives on the coast, and is the means of the lovers' escape from the domains

* "Essays on the Political History of the Fifteenth, Sixteenth, and Seventeenth Centuries. By Jules Van Praet. Edited by Sir Edmund Head, Bart." London: Richard Bentley. 1868.

of the father of the bride. The Emperor speedily learned that it was with an American that his favorite daughter had eloped, so he sent out to this country the Japanese embassy, which we all remember, with a command that the ambassadors should, without fail, bring him back his favorite child. But they were surrounded with so much etiquette and pomp—what with Mr. Boole and the other municipal authorities of this and other cities—that they could make no efficient search for the estray, and were at last compelled to go home and commit *hari-kari*, to a man—except “Tommy,” and he, we believe, has since perished in battle. The Tycoon’s unassuaged grief led him to make one more effort to recover his undutiful but beloved Lai-lai-lin, and soon he sent over to us the troupe of jugglers and necromancers which, a year or two ago, attracted so much attention and admiration in several States of the Union. Many of our readers will recollect that a small juggler and necromancer fell headlong from a high tight-rope or trapeze to a floor of the exhibition-room, and was nearly killed. The mishap was consequent upon his nervous excitation at seeing Mrs. Lingenfelter in the audience, and perceiving that, in all probability, his fortune was made, and his future secure. It was an easy matter for half a dozen members of the acrobatic troupe to get admission to Mr. Lingenfelter’s chamber, administer to him a stupefying drug, put him into a box, and fly with him and his Lai-lai-lin towards Japan. But by means of the telegraph the whole party were arrested at a way-station, Gallatin and his wife were released, and then one of their captors, driven to the last resource, made known to the couple that force having failed he was authorized to say, that if they would voluntarily return to Nippon all should be forgotten and forgiven. It was not without some hesitation that they decided to comply with the wish of the Tycoon, but they did so determine, and it is to Mr. Lingenfelter’s court influence that we are to trace the success of the endeavors to open the Japanese ports to the commerce of the world, and the peculiar favor with which Americans are received in “the Source of the Sun.”

We commend to the perusal of our readers the first article in *Putnam’s*, the one called “Thomas Carlyle as a Practical Guide”—a title decidedly suggestive of the *lucus a non lucendo* method of nomenclature. Its author, Mr. Justin Macarthy apparently, writes with a heat which seems hardly necessary, considering that so few people nowadays look to Carlyle for very much more than some amusement and pleasure, but he writes with intelligence and force, and if, perhaps, he exaggerates Carlyle’s present importance, still he presents a just conception of the real nature of the man, and clearly does not himself hold him at too high a rate. To Carlyle’s literary merits, which are as great, if not as frequently shown, as his literary faults—and that is giving him much higher praise than belongs to most contemporary workmen in English literature—Mr. Macarthy pays proper respect. “Christus Sylve” is not particularly well worth looking at as a poem, but it is of some interest as exhibiting what may be called a drawn battle between the poets and a man of poetic susceptibility and of some poetic power who emulates the performances that he admires. Usually in such cases the poets obtain so decided a victory that the contestant is made to appear as indubitably a plagiarist, conscious or unconscious. But Mr. Plimpton, although he puts himself in danger, holds his own so reasonably well that there may be hopes of his doing something yet, even in poetry.

The best piece in this month’s *Atlantic* is unsigned; but literary America is more fortunate than we think if Mr. Howells did not write “The New Taste in Theatricals;” we have nobody else, we fear, who can do anything so subtly and delightfully playful in humor, and we have not many who can write so good English. The absolute correctness of the theory which Mr. Howells offers us to account for our attendance at the theatres where they display English blonde burlesque and play French *opéra bouffe* may perhaps be doubted. It is always safe to make recognition of the natural depravity of the human heart; and although in our American communities there is a healthy ignorance of French, especially of the kind that has more than one meaning, and although Mademoiselle Tostée was very amusing, and, perhaps, was even a great actress, as Mr. Howells calls her, still it was not wholly for fun, nor yet altogether as a means of grace, nor entirely because we Puritans, without being at all French ourselves, take a little languid interest in French wickedness, that we went to see “La Belle Hélène.” Partly, we fear, we went because we are a little wicked ourselves; it isn’t only the good Americans who are fond of Paris. So also of the burlesque: it is for not very metaphysical reasons that a majority of its devotees cultivate that British blossom. It makes for Mr. Howells’s side, however, that *opéra bouffe* declines in popularity, and so does the other fact that the innocent Humpty Dumpty beats Ixion and the Forty Thieves in the matter of drawing crowds. But,

still, we shall do as well not to get spiritually proud over our patronage of the drama.

For the rest, the May *Atlantic* contains nothing very noticeable. Mr. Parton’s “Clothes Mania” is up to his usual level, except, perhaps, that this time he gives more of the rather feeble jokes with which he interperses his far more readable gravity. The believers in “mystical interpretation” of scripture as a rule of conduct, when it is furnished by others than inspired men with regular credentials, may profitably take a look at Elder Evans’s explications in “The Autobiography of a Shaker.” There is nothing new, we believe, in the anonymous essay on “The Intellectual Character of President Grant,” which seems to be, on the whole, considerably inferior to its predecessor, the essay on Grant’s moral qualities. There is in this article too much of the advocate; besides, for the full elucidation of the subject it would be better to hear the opinions of a trained soldier than those of a civilian. It is in war, after all, that Grant’s mind has been proved and tested, and Jomini’s estimate of his intellect—could Jomini have come over here and become acquainted with the conditions of the military problem, complicated as it was by being a volunteers’ semi-political war in a wilderness—would have been more valuable than ours, or Mr. Whipple’s, or that of any probable writer of the article in question. “Can a Life Hide Itself?” is a rather bewildering question put by Mr. Bayard Taylor and answered by him in the negative. But taken in the sense in which Mr. Taylor uses the words, his answer should have been different. No day passes without the death of many men totally unknown, of whose previous lives, and crimes, and misfortunes no one who witnesses their deaths will ever know anything, and of whose deaths no one will ever hear who has known the story of their previous careers, and has suffered or been glad in the knowledge. These, however, are unnecessary remarks. As a story, Mr. Taylor’s piece is an invention something in Poe’s manner, but not nearly so well done. At best such things are apt to look as if the pick-lock were first made and then the lock to be picked were made to match it, and the work has to be done with more of a peculiar sort of skill than Mr. Taylor seems to have at command, or it makes pretty tiresome reading. Real life does, to be sure, sometimes provide us with such difficulties and such solutions as Mr. Taylor’s; but real literature hardly ever does. Mr. John Burroughs, among the birds and trees and plants, is sure to be admirable; of its kind, his “Spring in Washington” is a great success, and will be found extremely pleasant, especially by dwellers in the city, who miss more of the spring than of any of the other seasons. The “Foe in the Household” is not at its most interesting stage just now, but it is still a satisfactory story. The author who calls herself “The author of ‘Victor and Jacqueline’”—a story which we dimly recall, has no need of hiding her name behind a *nom de plume*.

The poetry of this number of the Magazine is by Miss Marian Douglas and Doctor Parsons. The latter always makes a failure, we believe, when he essays the humorous, and he falls rather flatter than usual in this case. Miss Douglas writes a very pretty piece, in which, by the way, poetical justice is done, and for the first time, so far as we know, to the little “life everlasting”—“a silvery bloom with fadeless leaves,” and quite fit for the purposes of Puritan courtship.

“Hans Breitmann in Politics” is *Lippincott’s* chief attraction this month; but we are glad to see that this third set of the series is the concluding one, for Mr. Leland was evidently making too many. This account of Hiram Twine’s device for carrying “a rural village” for Breitmann instead of der Schmidt is not at all up to the mark of the best of its predecessors. It is very farcical in its main conception; but that might be forgiven if the details were not in many instances clumsy. Mr. Twine’s whole speech is a highly improbable effort, and might have been so much better that, as we say, it is a comfort that Mr. Leland has determined to stop. If he wishes to do Breitmann work there is enough of it to do without the production of anything fresh; the old ones are very well worth elaborating—a task on the successful performance of which, it is probable, depends Mr. Leland’s continuing place in select American literature.

Mr. Gaylord Clarke contributes some “Recollections of Washington Irving,” and presents his kindly natured hero in as pleasant a light as he always appears in, unless when he is insanely lauded by his too kind friends.

“Rougegorge,” by Mrs. Harriet Prescott Spofford, is one of the most remarkable of that author’s tales, and the attention of all young writers should be called to it as a model to be shunned. The Baron of Rougegorge, as we all know is apt to be the case with members of Mrs. Spofford’s peerage, comes of a race that never “goes back on” its purpose when once the purpose is formed. He is wealthy, perfectly impassive, handsome. He has a friend, young Saint Marc, a paragon of “personal advantages,”

whom he loves with the most ardent affection, and who one day commits suicide because he has been refused the hand of the high-born Ayacinthe de Valentinois. Rougegorge swears to revenge him, and posts home from Assyria, once the realm of Semiramis, to his quarters in Paris. Ayacinthe of course falls in love with him and he wins her. Then he is revenged, for on the evening of the wedding-day he makes a grim countenance and informs her that she madly loves her deadly enemy; that he loved Saint Marc, has had his portrait taken as a reminder of vengeance, and only gained her heart for the purpose of trampling on it. The Baroness Rougegorge, little as we thought it, has sufficient sense to tell her husband that she never knew till that moment that Saint Marc had ever asked her father for her. But the baron, as we have said before, comes of a race that does not yield its purpose for small trifles of that kind. At the end of three weeks the baroness, with some hard lines round her mouth, but beautiful as ever, walks into the baron's den, and the pair, after more or less high and mighty language on the part of both of them, agree to live amicably before the world. Then the baroness trims up her husband's apartments with hyacinths, and as she was named after that flower the fragrance intoxicates the baron, who by this time is, of course, utterly in love with his icy wife, and he will have nothing but hyacinths in any of his rooms. They absorb all his oxygen and he dies on the floor, with his triumphant wife standing over him and taunting him with having crushed her young heart, for the De Valentinois, too, it seems, come of a race that is pitiless in pursuit of its purpose. All this folly, without one touch of nature, with a deal of hungrily selected sensuously fine language, is a sample of what passes with some of our young women and young men for clever and "impassioned" writing. What ideas of the passions such persons entertain—it would be worth while to know, we were going to say—it would be useless to inquire. They can do nothing with the real truths of human nature; and think they have done better than to do anything with them, if at the same time that they are false to them they are fantastically false to the facts of possible human life. A publisher undertakes a heavy responsibility that assists in making such literature accessible.

In *Hours at Home* for this month may be found a sketch of the Russian peasant, who seems to have impressed Mr. Eugene Schuyler very favorably, as indeed he impresses most Western travellers, whether European or American. "The Sources of the Jordan" will interest the large public who are never tired of hearing of Palestine; but a paper of travel that has considerably more freshness is the Rev. Mr. Bushnell's "Cannibals of Equatorial Africa."

The *Galaxy* for May is a good number. "Put Yourself in his Place" is becoming agreeably complicated. Apparently a hint is given of the meaning of the title, which would seem to show that its application to the circumstances of a workman and "the trades," fighting it out on the free labor question, is not the application which the author intends to make. The rest of the *Galaxy* is all readable, except the "Choir of Songsters," in which some dozen or so of the minor, or more minor, poets sing for us in not very sweet contention. Two pieces, however, have merit, and might very well have been exalted to a higher place than they now occupy; both "Foreshadowings" and "Across the Wall" are better than most magazine poetry, and are indeed poetry. There is something, too, in Mrs. Piatt's "Lily of the Nile;" but Mrs. Piatt is given over to being enigmatic to a degree that is not justified by anything that is found in her work when it is puzzled out. It hardly seems like a natural manner either; if it is, it would seem to be wisdom on the part of the writer to struggle hard to attain simplicity of treatment.

Mr. B. F. De Costa, who is an enemy to history as it appears in the school-books, makes a reasonable article on the question of "Why Captain Kidd was hung." Mr. Richard Grant White brings his "Words and their Uses" to a close, and promises to do a certain amount of revision and correction of them before they appear as a book. We should say that the article before us—"A Desultory Denunciation of English Dictionaries"—might secure for his little work, when it does appear, a tolerable share of criticism, which may or may not be useful to Mr. White when he comes to prepare new editions of it. However, the world, outside the philologists, will very likely be profited, and Mr. White will not be seriously hurt, we dare say, though he does show vivacity in resenting attacks, and the newspaper amenities will be so much advertisement for the book. "A Great Advocate" is by Mr. Edwards Clarke, and treats, not particularly well or ill, of the late Mr. Brady.

The minor departments of the *Galaxy* seem to be better this month than they have been for a long time. "Captain Kidd," in the "Miscellany," we have spoken of. It has for companions, "A Texas Ride," which is clever; a readable account of the little Italian musicians who harp and

fiddle about the streets; and a poor piece by Mr. J. E. Cooke. Philip Quilibet has one or two very good short essays in the "Driftwood." "The Merciful Element in Fiction" is especially entertaining. In "Literature and Art" the "Notes" are full of a certain sort of information, and "A Glance at some of our Naturalized Literature" at least is all sound criticism, and of a kind not often enough found in our periodicals, though the same things are only very doubtfully true of the remarks on "Saul" and the "Blameless Prince."

Harper's is known of all men; of the May number we need only say that it is as good as usual, but contains nothing which demands the attention of any but its accustomed readers.

REVISION OF THE FEDERAL STATUTES.*

WHATEVER may be said against projects for a codification of the unwritten or common law, there can be no possible objection worthy of respectful consideration to a codification of mere statute law. What has been written once can be written again. Statutes which are scattered over a hundred volumes can be gathered together, their repetitions omitted, their inconsistencies reconciled, and their ambiguities cleared up, with vast advantage, and without a single necessary disadvantage. There is, in fact, no reason whatever for the present discreditable condition of the statute law in England and America, except the laziness, incompetency, and jealousy of legislatures. They are too lazy to codify the statutes, even if they were competent for the work; they are far too untaught to have the slightest idea how the work should be done; and they are too jealous of their prerogative right to tinker the law, to accept and adopt the labors of any commission that is able and willing to do the work.

The statutes of the United States are far on their way to that sublime state of confusion and incomprehensibility for which the statute law of England has long been famous. Congress heaps up new laws without pretending to understand the old ones, or to make the operation of the law uniform in cases of the same nature, or decently reasonable in its operation. Thus, there are half a dozen different ways of removing causes into the Federal courts, attended with differing results; and, curiously enough, no provision is made to enable certain suits to be brought in the Federal courts in the first instance, which may, nevertheless, be transferred there after their commencement. The laws upon this particular subject, moreover, are scattered all over the statute books from 1789 to 1868. So it is with regard to many other subjects of legislation; some statutes, indeed, referring to others for explanations on material points, these in their turn referring to others, and these still to others, which prove, upon examination, to contain nothing whatever in relation to the subject of the statutes which refer to them for elucidation.

Senator Sumner has taken a most creditable interest in the project of consolidating the statutes; and soon after the political complexion of the Senate had so far changed as to give him weight in its deliberations, he diligently pushed forward a measure having that object in view. At length he succeeded in carrying through Congress a bill providing for the appointment of three commissioners to revise and consolidate the statute law of the United States. This commission has suffered under the usual disadvantage of such bodies, in having three members willing to draw pay, and only one to do any work. A great mistake was made in selecting at least one gentleman too eminent at the bar to be able to afford the time necessary for the work. It gave us no surprise to hear that, after being on the commission for two years or more, he pronounced its object impracticable. To such men it is necessarily impracticable. But if Mr. Brightly or Mr. Austin Abbott had been placed upon the commission (as one or both of them would have been, if fitness had been the only quality sought), we have no doubt that the practicability of the work would, ere now, have been proved by its completion.

We are glad, however, to see some fruit of the labors of this commission in a complete revision and consolidation of the postal laws of the United States, which we understand to have been mainly the work of one of the commissioners, Charles James, Esq. The whole law upon this subject is given in twenty-one chapters, containing in all three hundred and fourteen sections. The law thus brought within the dimensions of a single statute of moderate length and logical order, is now scattered through one hundred and thirteen distinct acts and resolutions, fourteen volumes, and sixty years of legislation. What has thus been done for the postal laws can be done for all the other laws of the United States.

Upon such examination of the work as our limited time has allowed,

* "The Postal Laws of the United States, revised and consolidated. By the Commission appointed to revise the Statutes." Washington, 1860.

we are well satisfied with it, although the *complete* revision of the federal laws should, and, we doubt not, will, lead the commissioners to make material changes in this particular measure. Thus, the whole of the chapter on "Mail depredations and offences," and several sections in the chapter on "Carrying the mail," should be placed in their proper order in the general penal code which must be ultimately prepared. So section 296, in relation to the recovery of interest in postal suits, belongs to a general law on damages; and sections 306 to 313 belong to a general statute on practice in the civil courts. The commissioners have, nevertheless, done well in including these provisions among the other postal laws *for the present*; the first necessity being to get all these things together in the same relations in which they are now to be found upon the statute books, leaving their better classification to the second stage of the work. We hope, however, that the commissioners will not forget this important part of their duties.

In 1863, if we are not mistaken, Messrs. Grosvenor P. Lowrey, Augustus Schell, and Charles P. Kirkland were appointed on a commission to revise the revenue laws. We should like to know what has become of their work, or whether they ever did any. If they did, the results of their labors ought to be given to the new commission.

We shall urge the adoption of the commissioners' work, whenever it is complete, without any further revision by Congress. It is impossible for a large legislative body to tinker a code, or a carefully prepared revision of statutes, without doing more harm than good. If the commissioners do not turn out a satisfactory measure, it should be sent back to them, or submitted to new commissioners for further revision. But such a bill is too delicate to bear legislative tampering. Amendments that seem on their face perfectly right, will lead to tautology and inconsistencies. Congress takes a great deal on faith from interested speculators. Let it take something on faith from competent and disinterested commissioners.

The Ideal in Art. By H. Taine. Translated by J. Durand. (New York: Leypoldt & Holt. 1869).—In writing upon the general theory of the fine arts, or of any fine art, or of any group of fine arts, special knowledge is requisite. It would be claiming nothing excessive for painting, for instance, as an abstruse and recondite subject, to assert that it ought not to be judged by unmodified laws of any other art, or by unmodified laws of art in general. Writers upon art are fond of finding analogies among the different fine arts; words are interchanged with a natural if sometimes fatal facility; "chromatic" music, "florid" writing, "harmonious composition" in a picture, have become phrases of general acceptance; and with this lax use of words comes the to-be-expected inaccuracy of thought and statement, leading the insufficiently informed to pronounce boldly upon the arts unfamiliar to them, according to the admitted principles of arts more familiar. Accepting the truth of a common principle and some common laws for all the beautiful arts, including even poetry, including even poetical prose, including even the judicious combination of appeals to the senses of smell and of taste—accepting all this, and insisting upon it that our critic shall not be deaf to music, nor cold to poetry, nor indifferent to the pleasures of any sense, nor unaware of the wonderful changes produced in any or all of his senses by cultivation—we have also to insist upon the inherent differences among the arts. Is art one? it is also many; *τὸν τὸν ἐν τῷ πολυεδίᾳ*, "unity in diversity." For how much of painting is of the spirit and how much of the eye and hand no man has yet been able to decide for others. Mr. Rio finds it all spirit, Mr. Scott nearly all skilled hand and practised eye; Mr. Taine finds it nearly all involuntary fixing of the floating dust of the "milieu." So far as it is of the spirit, that is, of observation, memory, and imagination, it is made up of the same influences as the other fine arts, though so differently felt and seen. But there comes in the physical side of it, the purely visible part of it, the decorative element in it, and destroys our prettily arranged comparisons and analogies, while not even admitting neat contrasts for our comfort. Mr. Taine's statement, on page 85 of the book before us, that "the beauty of a plastic work is above all plastic," is wonderfully sound doctrine. Let us add that the discussion of plastic art must not be too exclusively such as would apply to all the fine arts, but must be a little narrowed to the limits of the visible, the decorative, the distinctly careful of shapes and colors.

The technical, exact, and ready knowledge of a fine art which we require of those who write about it, is even more needed by him who discusses it in a general way than by the examiner of more limited fields of enquiry. An essay upon Chinese porcelain may be useful, if the work of a mere collector, without other knowledge than the empirical one gained

in collecting, if only his natural taste be fairly good. We can trust an intelligent architect without extended knowledge of the history and relations of decorative art, to set down much very well worth recording in respect to out-of-the-way buildings he may visit. But when it is the central idea of art or of an art that is to be discussed, we demand the most extended, the most perfectly assimilated, the readiest knowledge of the subject. When a writer would discuss the ideal in art, even though limiting his subject to the plastic arts, besides his general supposed sound ideas upon art in general, he has need of such a practical familiarity with the actualities and possibilities of plastic art as only long familiarity can give—of spontaneous knowledge, so to speak, immediate certainty of the true answer to every question, of power of immediate and instinctive sense of truth and of fallacy, and knowledge of the whereabouts of the reasons for the judgment which he, for his part, needs no reasoning to help him to.

Mr. Taine's failure, or lack of greater success as an instructive or inspiring critic upon the fine arts, results from the lack of this thorough knowledge. His lectures are of a well-known and, except for their cleverness, not uncommon kind; the kind that is very agreeable and wonderfully true-seeming to everybody except those who are well informed. Such lectures delivered to the audience for which they are written—Parisian art-students, namely—would naturally fail to impress very much, and accordingly the rumor comes from Paris in many forms that among the *entreprises manquées* of the present government of France is the attempted renewing of the Ecole des Beaux Arts, culminating in such appointments as this of Mr. Taine to the chair of the History of Art. It is Herbert Spencer's reputation over again, all very well for the "general public," but the chemists and the physicians, the painters and the architects, are disposed to scoff at the new light. Does this prove anything? Of itself it proves nothing positively; but yet the views of experts are exceedingly well worthy of notice, and, as the experts look at it, Mr. Taine is a very inadequate judge of art.

Ecclesiastical Law in New York. By Murray Hoffman. (New York: Potts & Amery).—A glance at Mr. Hoffman's digest will show that the Dutch Governors of New York down to 1664 did what they could to favor the Established Church of Holland by keeping matters ecclesiastical under the control of the clergy of Amsterdam. After that date the Royal English Governors were quite as vigilant for the interests of the Established Church of England and the Archbishop of Canterbury. But while Reformed Dutch and Episcopal societies, beginning with 1696, obtained what charters, confirmations, and resuscitations they asked for, the Presbyterians received no such favors, though they sued very humbly in the years 1719, '21, '59, and '75.

But all this was promptly changed at the Revolution. The Constitution of 1777 put all denominations upon a level. In less than ten years the eight acts which gave pre-eminence to the Episcopalians were repealed, and a general statute passed reducing the incorporation of all religious societies to great simplicity; the parties met together, fixed upon a name, acknowledged their doings, and recorded them in the County Clerk's office.

This statute of 1784 and the subsequent one of 1813 have answered for nearly all parties except the Dutch and Episcopalians, whose Consistories and Vestries were not sufficiently considered. To remedy this defect and define the various shares of minister, rector, vestryman, and layman, in the organizing and incorporating process, the statute of 1868 has been passed at Mr. Hoffman's suggestion, in behalf of his denomination, and he advises Episcopal religious societies to take advantage of it and reincorporate themselves. Trinity Church, it would seem, needs no such help. Having triumphed over all her legal adversaries, she can defy her legislative enemies by falling back upon some of the charters confirmed by the Constitution of 1777; and then, says Mr. Hoffman, "the whole City of New York would be again without a question, as it is perhaps even now, her parish, except where, by her consent or acquiescence, she has sanctioned the organization of independent churches and cures," p. 310. Views like these in regard to the latent powers of Trinity Church are quite startling to the casual reader; they hardly belong to modern times.

The Roman Catholic societies, more outspoken, and more determined to possess the land ecclesiastically, have obtained the Act of 1863, which carefully excludes the congregation from taking part in the proceedings to organize and incorporate themselves. A majority of the trustees are to be forever ecclesiastics; the two lay trustees are nominated by the ecclesiastics and hold office but one year.

In the Methodist societies the Act of 1837 speaks of ministers and stewards as the active parties in organizing and incorporating; the lay-

men make no figure. The charterless Presbyterians in New York, for thirty years prior to 1766, were grafted, in some way, upon the General Assembly of the Scotch Church; at the Revolution they were on excellent terms, apparently, with the Mayor and Aldermen of New York, and the Wall street and Brick meeting profited by the intimacy. While Baptists and other Congregationalists make a figure in New England ecclesiastical law, it can hardly be discovered from Mr. Hoffman's book that there are such denominations in New York; indeed the only Congregational society alluded to was authorized by this Court to become Presbyterian, many years ago, p. 288. It must be that the grace of incorporation is bestowed upon these uncanonical bodies under the Acts of 1784 and 1813. What ecclesiastical life they have is diffused through the mass of the members of each society—it does not centre in trustees, as a casual reader of the statutes might infer; but a majority of the members have control of the doings and property, as the courts have ruled several times; and with these constructions of the statutes there seems to be no need of special laws, pp. 284-290.

If these decisions are adopted, then the Southern, Middle, and Western States, that have followed the lead of New York in her several laws of organizing and incorporating religious societies, will be found in harmony with the more simple statutes of Massachusetts and the New England States generally. From the first those frosty commonwealths were in the habit of incorporating religious societies directly, without the intervention of trustees, however good. By so doing they have saved themselves from a world of complication and intermeddling.

Mr. Hoffman's learned work will interest lawyers abroad who are curious to know how state churches bear themselves and thrive after the state connection is severed. If we had space we might speculate on the question whether the superabundant general legislation of New York is not in a large measure due to the very canonical and very supervisory habits of her two leading denominations—the Episcopalians and Presbyterians.

Thunder and Lightning. By W. De Fonvielle. Translated from the French and edited by T. L. Phipson. New-York: Charles Scribner & Co.)—As its somewhat startling title leads one to expect, this book is of a decidedly sensational character. It is not a scientific work, but a popular treatise, not of the best sort. The subject seems at first sight rather a meagre one for a volume of over two hundred pages; but it must be remembered that the book was written in France, where lightning is much more frequent and dangerous than in this country. It is illustrated by numerous well-executed engravings of very singular subjects. It is a question whether any pleasure or instruction is derived from a picture of lightning killing a bell-ringer, or descending a staircase, or striking a fish under water. Again, it seems scarcely necessary to illustrate elaborately such dramatic events as lightning killing a murderer without injuring his intended victim, or melting a lady's bracelet off her wrist without hurting her. As regards the precautions which may be taken against lightning, we hardly agree with the author in considering silk umbrellas safer than those of other materials, particularly as silk ceases to be a non-conductor the moment it is wet. We doubt if many ladies will give up their jewelry for fear that it may attract lightning. On the other hand, the chapters on the physiological effects of lightning, and on its explosive globular form, contain many facts of interest which are not generally known. Although this volume has probably less real value than any other of the series, yet, from the striking nature of the subject, it is perhaps well calculated to suit the public.

Zwei Jahre österreichischer Politik. Aus einem Tagebuch. Herausgegeben von Friedrich Giehne. Erster Band. (Schaffhausen: Fr. Hurter. 1868. 8vo. pp. vii. 424.)—Giehne's "Two Years of Austrian Politics" is a record of political and military events in Germany since the spring of 1866, in the form of a diary, which bears conclusive internal evidence of the genuineness claimed for it by its author as "ein wirkliches und wahrhaftes, mit den Ereignissen gleichzeitig entstandenes Tagebuch." The value of such contemporary documents, in which great national movements are instantaneously daguerreotyped as they occur, is inestimable, especially as contributions to historiography. They preserve all the freshness of first impressions, and report many minute and interesting incidents and passing reflections, which would be out of place in a grave history, but are admirably suited to a book that is neither chronicle nor autobiography, but partakes of the nature of both. Herr Giehne is an enthusiastic Austrian, and judges everything from a partisan stand-point; his zeal for the Imperial cause frequently makes him unjust towards the enemies of "Kaiser Franz," and easily

disposed to believe anything that is prejudicial to them. Thus he records with too great credulity the old newspaper story about the barbarity of the Italian troops towards wounded and defenceless Austrians after the battle of Custoza, and contrasts this alleged cruelty with the chivalry of "the whitecoats," who cared for the wounded Italians as tenderly as for their own comrades. The author doubtless thought this report to be true at the time he made a note of it in July, 1866; and if he wished to publish his diary without alterations in the text, he ought at least to have corrected the calumny in a foot note. Making due allowance for errors of this kind, which belong, according to Lord Bacon's phraseology, to those "idols of the tribe" which beset all minds and inhere in human nature itself, the reader will find Herr Giehne's book not only attractive in style, but also very suggestive in thought. That portion of the diary which covers the period of the war in Bohemia has an intensely dramatic interest, each daily record during the month of June lifting the curtain upon a new scene or a new prospect, until the final catastrophe of Königgrätz dispels all the illusions which the victory on the Po had fostered. The discussion of political topics is clear and comprehensive, especially as regards the mutual relations of the different provinces and peoples of the Austrian Empire, and the methods by which the Slavic, Magyar, and German elements, after so many centuries of deep-rooted hostility, are to be reconciled and united under equal laws and homogeneous institutions. The present volume closes with the neutralization of Luxemburg, the last entry bearing the date May 30, 1867. The second volume, which is to be issued soon, will probably follow the course of events into the year 1868, and record more fully the author's impressions of Bismarck's reorganization of Germany and of Beust's efforts to save Austria from moral, political, and financial bankruptcy.

Deep Down. A Tale of the Cornish Mines. By R. M. Ballantyne, author of "The Life Boat; A Tale of the Coast Heroes," "Gascoyne, the Sandal-wood Trader," etc. (Philadelphia: J. B. Lippincott & Co. 1869.)—Mr. Ballantyne's book contains a good deal of interesting information concerning the Cornish tin mines, which is thrown into the form of a story in which the part of hero is played by an athletic young surgeon who settles and begins the practice of his profession in the mining district. Beside the account of the mines and the mining operations there are one or two smuggling adventures recorded; the herring fishery gets a chapter or two, and there is even a little mild love-making thrown in before the story is ended. There is not enough of it, however, to interfere at all seriously with the proper business of the book, which is one that all intelligent boys of twelve years old and upwards ought to read with a good deal of pleasure. The whole interior of a tin mine is laid open, the means by which the ore is taken from the rock, the processes to which it is afterward subjected, and the peculiar risks to which the miners are exposed, are all described with a by no means tedious minuteness and not a little picturesque force. The book gives, too, what we should take to be a very fair account of the miners themselves, and the peculiarities of thought and feeling which the life they lead naturally induces; and on the whole is to be praised as combining instruction and amusement in a more than ordinarily successful manner.

George P. Rowell's American Newspaper Directory. (New York: George P. Rowell & Co. 1869.)—It cannot be fairly expected of a book like this that it should be correct in all its statements, nor that it should give all the information relating to the subject with which it deals. Omissions and inaccuracies were inevitable, especially in a first attempt at covering so wide a field. But one source of error might, we should think, have been more effectively guarded against. Except as illustrating the truth that editors are fallible, the assertions of most of them about their "circulation" are hardly worth setting down. Messrs. Rowell & Co. or S. M. Pettingill & Co. and other managers of "advertising agencies" have, for their own private use—or we suppose they have—a special knowledge of facts in regard to almost any given journal, that enables them to estimate at something like their just value the "claims" which it makes in public. But people not in their business have not this particular information, and are in danger of deception. Figures never live more nearly up to their proverbial bad character than when they are employed by the "knights of the quill" at the times of penning "A Few Words about Ourselves," and the remarks "To Our Readers," and so on. We do not see that any good is done by giving what seems like a business man's endorsement of these little inventions.

For many purposes, however, for most that it pretends to answer—this volume will be found useful. For example, the descriptive list of

North American towns and cities in which newspapers and other periodicals are published is valuable, and with its details as to population, chief industries, and other matters, will, we should suppose, be of real assistance to intending advertisers.

Anne Séverin. By Madame Augustus Craven, author of "A Sister's Story." (New York: G. P. Putnam & Son. 1869.)—We have felt some touch of regret that Mrs. Craven should have chosen to continue the career of authorship which she began so successfully in that charming book, "A Sister's Story." She had in that instance an abundance of very and peculiarly interesting material, which was very skilfully employed—and although one could but wonder at the want of delicacy, or, if that be too harsh an expression, at the unreserve which dictated the publication by so near a relative of memoirs of so peculiar a nature, it was nevertheless true that the book had a real value, and that, despite its ultra-Roman Catholic spirit, it could be read with pleasure even by people who dissented for the most widely various reasons from its conclusions. But neither in its matter nor style was there anything which made the publication of a novel by its author a thing to be looked forward to with any great pleasure—and now that "Anne Séverin" has made its appearance it suggests only, as we said at first, a certain mild regret that Mrs. Craven should have written it. It is a weak, rambling, confused little story, the scene of which is laid partly in England and partly in France, and at a period of some thirty-odd years back. We do not know that we discover any special reason which its author had in mind in writing it, and, although it is quite true that it is perfectly pure in conception and plot and incident, it is equally true that it is as futile and ineffectual as it is pure. As her story is constructed, we shall say that Mrs. Craven had but one chance of saving it from utter pointlessness, and, if for no higher reason, it was plainly her duty from an artistic point of view to convert the naughty English girl, who, well brought up, religious as far as a Protestant can be so, and full of good impulses, yet engages herself to two men at the same time, solely because she has not been trained to the "practice of self-examination." But she deprives her instead, in what seems a reprehensibly careless manner, of her Catholic lover, and leaves her in all her blindness to the tender mercies of an inflexible husband, who gets on his road to Rome only so far as Puseyism. On the whole, it does not seem advisable to recommend the book either as a means of amusement or edification.

The Wife's Messengers. By Mrs. M. B. Horton. (Philadelphia: J. B. Lippincott & Co. 1869.)—So far as we know, this is Mrs. Horton's first book, and we feel that we should be doing her a service if we could persuade her to believe that there are other fields in which she could probably labor to greater advantage than she will ever be able to do in that of literature. She seems herself to have felt a little doubtful of her success in making herself intelligible—so, at all events, we interpret her "grateful dedication" of her book to those "who are willing to see her purpose" in writing it. We are not ourselves unwilling to earn gratitude when there seems a fair chance of getting it, and may say, therefore, that, so far as we can see it, her purpose seems to have been to rhapsodize a little about Christian spiritualism, or Swedenborgianism, to get at the doctrine of "correspondences" by no matter what blundering and ineffectual methods, and incidentally to discourse a little on politics and practical philanthropy.

BOOKS OF THE WEEK.

Authors.—Titles.	Publishers.—Prices.
Auerbach (B.). Black Forest Village Stories.....	(Leopold & Holt) \$1 50
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Hoyle (J. W.). Transactions Wisconsin State Agricultural Society, Vol. VII., 1861-'63.....	(Madison, Wis.)
La Revolución Española en Cuba, swd.....	(F. W. Christern)
Marlitt (E.). Over Yonder: A Tale, swd.....	(J. B. Lippincott & Co.) 0 20
Newhouse (S.). The Trappers' Guide.....	(Oakley & Mason) 2 00
Washburne (E.). Slavery as it once prevailed in Massachusetts, swd.....	(John Wilson & Son) 2 00
Woods (Caroline H.). Woman in Prison.....	(Hurd & Houghton) 1 25

FINE ARTS.

FORTY-FIFTH EXHIBITION OF THE NATIONAL ACADEMY OF DESIGN.

PICTURES of domestic life, and especially those representing children and childish things, form the most important part of this exhibition. They are rather numerous, and there is more in them, taken together, than in

any other group of pictures we could form this year. The exhibition, poor as it is, small as it is, insufficient as it is as an embodiment of contemporary art, represents that one side of our art well enough, and seems to indicate its relative importance. For the interest taken by the people in the pictures being entirely anecdotal, so to speak, dependent upon the subjects represented, and the cleverness with which stories are told, the relative importance of tales of domestic life is nearly as great in painting as in literature. Such a picture as No. 124, by Mr. Verplanck, in which are shown three children having a tea-party in the garret, just about represents a good but not the best sort of the art of the period. Very true and gentle feeling, and real interest in the subject, go far to make up a little poem of a pleasant kind, and such poems we all enjoy and really care about, indifferent to the artistic qualities of the pictures which contain them, and indifferent whether the story is told in prose or in verse, or in lines and colors upon canvas. The same figures in a wood-engraving would please us as well, and even better, except that our attention is called to the painting in a gold frame and known to be costly, more quickly than to a wood-cut. But, for all, No. 124 is sure of a buyer, and the buyer will get something for his money, though not a thoroughly well-painted picture. Mr. Guy's nice little boy paddling in the clear water which stands, "after the shower," upon the sunken flag-stones, is perhaps his greatest success in his chosen line. It is not a merely technical fault, however—the peculiarity often noticed in Mr. Guy's pictures of childhood—namely, the waxy cleanliness of the dabbling and splashing little hands and feet. It is not that dirt ought to be elaborated or dwelt on, but that it shocks one's sense of the possible to see boys "mussing" among cabbage-leaves and egg-shells, and keeping the while a surface as of Dresden china figures.

Mr. Lambdin's "Experienced Fisherman" and "Amateur Circus" are real and childlike though without much vigor. A great deal of swing and fury goes to make up the dramas of childhood, much more than these pictures give us; the action is never languid, the pauses are times of total rest, generally slumber. Mr. Peele's "One Tune More" gives us one of those moments of rest, and the picture is one of the best pieces of story-telling this year, however slight its merit as a work of plastic art. But it is here that nearly all the pictures fail. The best painted of the children are probably Mr. Johnson's, in his portrait group and only picture, No. 196, and Mr. Boughton's in 243, "Christmas Eve in England." The former of these is spoiled, as a picture, by the necessity of representing the monstrosities of modern fashionable upholstery and decoration, but the child is very lovely. Mr. Boughton's picture, slight as it is, is one of the best in the exhibition.

Of pictures, not of children, but still of home, No. 164, "The Weaver," by Mr. E. W. Perry, demands notice, and more room than we can give it to point out its merits and shortcomings. It is a work of the right sort within its limitations, and, if we admit that painters now-a-days are to cease trying to produce beautiful pictures, this will seem to be altogether of the right sort.

A picture of a different class is the "Gulliver," No. 109, by Mr. Waterman. It is interesting, and ought to be multiplied by wood engraving on a large scale or by lithography, for it is crowded with ideas, not the most artistic ideas, perhaps, but fanciful and ingenious, and truly picturesque ideas about the costume and general get-up of an imaginary people. Mr. La Farge has contributed to the interesting study of costume his picture No. 410, "Sleeping Beauty," a slight sketch in color of Japanese embroidered robes clothing a young woman.

For portraiture we have little to mention. Two heads by Page, numbers 322 and 326, are not unworthy of our best portrait painter. After these the only life-size portrait of any great value is No. 318, by Mr. Hunt. Mr. Weir's full length portrait, in the studio, and Mr. Johnson's group mentioned above, are of an interesting class, and Mr. Weir's at least is not badly imagined in respect to the surroundings and accessories.

Landscape art disappears year by year from our exhibitions. It was fondly imagined once that we had, or were likely to have, a school of landscape; but, although our best landscape painters scarcely ever exhibit, and although the exhibitions are fast losing all claim to represent the art of the time, still they are to be believed when they indicate a failing interest in landscape subject among the painters. For the fact is easily ascertainable that the public take no interest whatever in landscape. It is a languid enough pleasure that they take in pictures of any kind, but painted stories carry it over other kinds, and leave landscape pictures to be bought for the sake of the artists mainly. In fact, sometimes out of desire to have a specimen of so-and-so's work, sometimes out of kindness and to help so-and-so; in some way or another it is personal and not artistic interest that sells three-quarters of all pictures sold, and nine-tenths of all landscapes.

Under which influences the landscape painters have no particular temptation to exhibit, but live among, and paint for, each his circle of friends; and those painters who have more strings than this one to their bow, come to use this one less and less. On the other hand, Mr. Homer, not generally known as a landscape painter, sends a landscape this year; to be sure it is the most important one in the galleries. "Manchester coast," No. 187, is not a sunny picture although shadows are cast; that is its fault, the colors are not sunlight colors; but in other respects it is full of interest and of excellent qualities, and repays careful examination. Mr. J. D. Gay's landscape, No. 356, rivals Mr. Homer's in general interest and value. Mr. Brevoort's November is a picture of a kind we have learned to associate with Mr. Griswold, although the cedar-trees and hillsides are certainly not so well painted as in Mr. Griswold's winter pictures which we have enjoyed so much of former years. Mr. Griswold himself is struggling this year with a thing hard to master and which he has not mastered, spring green; the picture, No. 300, seems to us far from a success. A pleasant

landscape, regardless of detail and of sunshine, but full of merit for all that, is the background of No. 168, by Mr. G. D. Leslie, presumably a well-known English painter.

Miss C. M. Clowes sends several small pictures of great promise. No. 365 offers in the "Two Calves" so remarkable a piece of accurate and sufficient painting, for an artist not yet well known, as to warrant almost any expectations for the future. Miss Eliot, another new exhibitor, sends two studies of landscape, one hung nearly out of sight, the other showing care for the boats and for the form of the ground—encouraging signs, for to paint boats and the surface of the earth aright is to do what few landscape painters do. The boats in Mr. Tiffany's "Yonkers," No. 367, are very good; this picture is also the work of a beginner, or at least of a new exhibitor, but that is not to be seen in the very skilful management of the pier and shed upon it, and the steamboat and schooner. Hills and water are not good. Mr. Tiffany's other picture is clearly and strongly painted.

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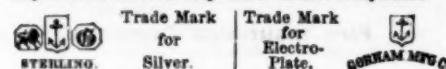
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